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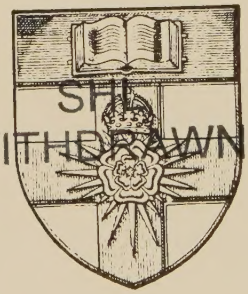


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TRANSACTIONS OF THE
ROYAL HISTORICAL SOCIETY

# THE SCOTS ARMY IN THE REIGN OF ANNE

By S. H. F. Johnston, M.A., F.R.Hist.S.

READ 12 JANUARY 1952

SEVERAL contemporary writers commented on the propensity of the Scots for military service in the period immediately before the Union and drew attention to the large proportion of her population which Scotland contributed to the wars of Europe. Fletcher of Saltoun, writing just after the failure of the Darien scheme, claimed that Scotland had done more than her share in support of English and Dutch interests in the war which had ended in 1697.

> Seven or eight thousand of our seamen were on board the English fleet; and two or three thousand in that of Holland; we had twenty battalions of foot, and six squadrons here and in Flanders. Besides, I am credibly informed, that every fifth man in the English forces was either of this nation or Scots-Irish, who are a people of the same blood with us.

But in return for this effort, Scotland had been kept in poverty and her commercial ventures sacrificed for the benefit of those she had helped to defend.[1] A somewhat similar idea was expressed a few years later by the Englishman Defoe, an astute and well-informed observer of Scottish affairs.

> Scotland is an inexhaustible treasure of men, as may be demonstrated by the vast numbers they have in our armies and navy, and in the armies of the Swede, the Pole, the Muscovite,

[1] Andrew Fletcher of Saltoun, *Political Works* (1737), p. 90. This passage is from the *First Discourse on the Affairs of Scotland*, originally published in 1698.

> the Emperor, Holland, and France. What might not England now do, had she in her pay all the Scots actually in the service of these princes, where they are daily cutting one another's throats, and, at the expense of their country's impoverishment, gain the empty reputation of being the best soldiers in the world? This is a treasure beyond the Indies, and what few people know how to value, and it has hitherto been our happiness that the Scots are thus dispeopled and impoverished; for had the Scots been as rich as they are populous, had they been as well furnished with the sinews, as they have been with the humour, of war, had they as much money as men, and as much design upon us as courage and bravery to execute, we should long ago have sought the union with more eagerness than we fancy they seek it now.[1]

Although both these writers exaggerate Scotland's population, which was then certainly not much more than a million, they agree that her contribution to the wars of William III and Anne was immense in proportion to her size and resources. Their testimony suggests that it might be fruitful to study the reign of Anne from a standpoint which none of the many who have written of Scotland in the period immediately before and immediately after the Act of Union have adopted. It is a truism to say that the Union was accomplished because the War of the Spanish Succession made the old imperfect Union intolerable, but how far was the English desire for Union due to the irreplaceable nature of Scotland's contribution to the war against Louis XIV? What was the part played by the Scots army, that is, the troops actually in Scotland and maintained by the Scottish treasury, in the events leading up to the Union? And what was the effect of that Union on the Scots army and on Scottish troops serving abroad? These are the questions for which an answer will be sought in this paper.

## I

The kingdom of Scotland made no formal declaration of war against Louis XIV in 1702. It was assumed, as it had been assumed since 1603, that the English declaration was sufficient for both kingdoms, and long before the war actually began in May 1702

[1] [D. Defoe], *An Essay at Removing National Prejudices against a Union with Scotland*, Part I (1706), p. 28.

arrangements were made by the English government to ensure Scottish participation in it. This somewhat cavalier attitude was greatly resented in Scotland, but Godolphin, in a letter to Seafield dated 17 July 1703, brushed aside all criticism:

> England is now in warr with France. If Scotland were in peace and consequently at liberty to trade with France, would not that immediatly necessitate a warr betwixt England and Scotland also . . . and though perhaps some turbulent spirits in Scotland may bee desiring to have it soe again, if they please to consult history, they will not find the advantage of these breaches has often been on the side of Scotland.[1]

The Scottish Parliament in 1703, however, insisted on passing two acts, one allowing the import of all foreign wines and liquors, including those of France, and another making it illegal for any successor of the reigning monarch to declare a war involving Scotland without consulting the Scottish Parliament.[2] The queen had to give her assent to both measures because of the urgent need of supplies to meet the cost of the forces paid out of the Scottish treasury.

The Jacobite Lockhart's comment on the second of these measures—the act anent peace and war—was that it was absolutely necessary 'considering how much the nation had lost by being brought into all England's wars'.[3] No doubt many still remembered the severe losses suffered by the Scots at Steenkirk in 1692,[4] and a great many Scottish families must have had relatives serving in Marlborough's army in the Low Countries. The Richmonds of Mauchline in Ayrshire, for example, who had had one son killed at Steenkirk, had two sons serving in a regiment of the Scots Brigade, both of whom were killed at Malplaquet, and two more in the Scots Fusiliers, of whom one was killed at Malplaquet.[5] Such a case may have been exceptional, although

[1] *H.M.C., Seafield MSS.*, p. 198. See also Godolphin's letters to Atholl (*H.M.C., Athole MSS.*, p. 61).

[2] *Acts of Parliament of Scotland*, xi. 107, 112.

[3] *Lockhart Papers*, i. 68.

[4] C. T. Atkinson, 'The British Losses at Steenkirk, 1692', *Journal of the Society for Army Historical Research*, xvii (1938), 200–4, and my 'The Cameronians at Steenkirk, 1692', *Scottish Hist. Rev.*, xxvii (1948), 70–6.

[5] W. L. Burn, 'A Scots Fusilier and Dragoon under Marlborough', *Journal of the Society for Army Historical Research*, xv (1936), 83.

when one attempts to put together a comprehensive picture of the Scottish contribution to the War of the Spanish Succession one is amazed at the number from such a small nation who took part in the fighting.

The only distinctively Scottish mounted regiment to serve in the Low Countries throughout the whole war was that now known as the Royal Scots Greys. As Teviot's dragoons this regiment went out in the spring of 1702 and fought in all Marlborough's battles. In 1704 Teviot was succeeded as colonel by Lord John Hay, son of the marquis of Tweeddale, and it was under his command that the regiment took part in the storming of the Schellenberg. Here they dismounted and were marching up to attack on foot when the enemy gave way. At once the dragoons remounted and took part in the pursuit.[1] At Blenheim 'Lord John Hay's regiment of grey dragoons' assisted the infantry who were preventing the French from getting out of the village.[2] The following year it was they who captured the Marquis d'Allegre in the cavalry action which followed the passing of the Lines of Brabant; on this occasion they charged the French twice without losing a single man and d'Allegre, a French lieutenant-general, was taken by Lord John Hay 'with his own hands'.[3] At Ramillies in 1706 they were used in support of Orkney's attack on the right wing and then in the pursuit:

> Lord John Hay did great service and deserves great honour, for with his own regiment alone he broke in *à la hussarde* sword in hand and at a gallop upon two battalions *du Roi* and killed or took them all prisoners, but lost several men in it, receiving not only their fire but a fire from three other battalions from behind hedges both on his flanks and rear.[4]

Soon after the battle Lord John Hay died of a fever at Courtrai and his place as colonel was taken by Lord Dalrymple, later to be known as the second earl of Stair. He was little with the regiment and effective command devolved on the lieutenant-colonel James Campbell, younger brother of the third earl of Loudoun. At Oudenarde the regiment had little hard fighting, but at Malplaquet

[1] *Letters and Dispatches of Marlborough*, ed. Sir George Murray, i. 338.
[2] *Ibid.*, i. 407.
[3] *H.M.C., 14th Report, App., Part ix*, p. 202.
[4] *H.M.C., Portland MSS.*, iv. 311.

in 1709 'Jemmy Campbell at the head of the grey dragoons behaved like an angell and broke through both lines'.[1] The regiment, being dragoons, was employed in a number of sieges, notably Ostend, Menin, Tournai and Bouchain.

The only other Scottish horsed regiment in Flanders was Ker's dragoons, now identified with the 7th Hussars. In 1709 William Ker, brother of the first duke of Roxburgh, succeeded Lord Polwarth as colonel of a regiment which had been on the Scots establishment since 1691. It arrived in Flanders from Scotland in the spring of 1711, was employed in garrison duties at Brussels and then moved to Ghent in June of the same year.[2] It appeared in the order of battle for 1712,[3] but it was then too late for it to see any action and in 1713 it was ordered to embark for Ireland.

The two battalions of the Royal Scots served in Flanders throughout the whole campaign, as did their colonel, the earl of Orkney, younger brother of the duke of Hamilton. Both battalions formed part of the force sent to the Netherlands in 1701 under Marlborough's command to fulfil treaty obligations to the United Provinces.[4] They fought in all Marlborough's great battles,[5] and one of them was present at the action of Wynendael in 1708.[6] No other British regiment took part in as many sieges.[7]

The Scots Fusiliers, commanded by Archibald Row, were actually on board ship waiting to sail for Flanders at the moment of Anne's accession. After a brief delay in port their voyage began and they served throughout the campaign, being present at all of Marlborough's battles. Row himself was mortally wounded when he led his brigade in the first assault on the village of Blenheim and gave the signal for fire by striking the palisade

[1] H. H. E. Craster, 'Letters of the First Lord Orkney', *Eng. Hist. Rev.*, xix (1904), 319. According to 'The Remembrance', Stair commanded the regiment in person at Malplaquet; see *Papers relating to the Scots Brigade in Holland*, ed. J. Ferguson (Scottish Hist. Soc., 1901), iii. 496.

[2] P.R.O., W.O. 4/10, p. 169; *Letters and Dispatches of Marlborough*, v. 383.

[3] C. T. Atkinson, 'Marlborough's Orders of Battle', *Journal of the Society for Army Historical Research*, xv (1936), 112.

[4] J. Millner, *Compendious Journal* (1733), p. 3.

[5] For details, cf. J. C. Leask and H. M. McCance, *Regimental Records of the Royal Scots* (Dublin, 1915), pp. 84–110.

[6] 'The Remembrance' (*Scots Brigade in Holland*, iii. 429).

[7] C. T. Atkinson, 'Marlborough's Sieges', *Journal of the Society for Army Historical Research*, xiii (1934), 202 ff.

with his sword.[1] He was succeeded by Lord Mordaunt, eldest son of the earl of Peterborough, a young man whom Marlborough had rejected as a suitor for his daughter Mary but who had fought with great gallantry at the Schellenberg and at Blenheim. In 1706 Mordaunt exchanged with Sampson de Lalo, a French Protestant who had risen to command the regiment later known as the 28th. Lalo was killed at Malplaquet and Mordaunt returned to the colonelcy, only to die of smallpox in 1710. His successor was Thomas Meredith, one of Marlborough's most trusted subordinates, then holding the rank of lieutenant-general.[2] Before the end of the year, however, he was one of the three officers forced to sell out for drinking 'confusion' to the new Tory ministry[3] and his place as colonel was taken by the earl of Orrery. As far as the colonelcy was concerned, therefore, the regiment ceased to be Scottish in 1704, but most of the other officers were Scots and it continued to recruit in Scotland.

Another regiment which, like Row's, was already on board ship ready to sail in 1702 was that commanded by James Ferguson, now known as the Cameronians. Its deeds in Marlborough's war are well known through the diary of John Blackader[4] and the valuable letters of his predecessor as lieutenant-colonel of the regiment, James Cranston.[5] Ferguson died suddenly at Bois-le-Duc in October 1705. His successor was William Borthwick, who had been in the regiment since its formation in 1689, but he soon exchanged with Lord Dalrymple, eldest surviving son of the first earl of Stair and colonel of a regiment in the Scots Brigade. At the end of 1706 the new colonel left for the Scots Greys and his place with the Cameronians was taken by his disappointed rival for the colonelcy of the Greys, George Preston.[6] Preston, a younger son of the Prestons of Valleyfield in Perthshire, remained colonel of the regiment until 1720. The Cameronians thus always had a Scottish colonel and the officers and men were predominantly Scottish throughout Anne's reign. The regiment fought in all four of Marlborough's great battles and were with the

[1] *Letters and Dispatches of Marlborough*, i. 402. [2] *Ibid.*, v. 67.
[3] *Wentworth Papers, 1705–39*, ed. J. J. Cartwright, pp. 162, 165.
[4] *Life and Diary of Lt.Col. J. Blackader*, ed. A. Crichton (1824).
[5] Printed in *H.M.C., Portland MSS.*, iv.
[6] J. M. Graham, *Annals and Correspondence of the 1st and 2nd Earls of Stair*, i. 230–1.

Royal Scots at Wynendael.[1] They took part also in the sieges of Dendermonde, Ath, Lille and Douai.

In October 1708 two regiments from Scotland were moved to the Low Countries.[2] One of them had been raised in 1703 by the Master of Strathnaver, son of the fifteenth earl of Sutherland, and he was still its colonel when the move was ordered. The second, raised in 1702 by the earl of Mar, was in 1708 commanded by Alexander Grant, eldest son of the laird of Grant. Both regiments were used at first for garrison duties, but Grant's was certainly employed at the siege of Mons[3] and it is possible that Strathnaver's was also present. Grant's was drafted in April 1711 in order to bring up to strength the regiments which were to be taken from Flanders for the Quebec expedition.[4] It was to have been re-raised in Scotland, but little can have been accomplished when its formal disbandment was ordered in 1712.[5] In 1710 John Pocock, an Englishman, became colonel of Strathnaver's. Pocock's was engaged in the siege of Bouchain[6] and is mentioned in the order of battle for 1712. The regiment was disbanded in 1713.[7]

Besides these regiments in English pay which took part in the fighting in Flanders, there were also six Scottish regiments in Dutch pay, the famous Scots Brigade.[8] Altogether at one time or another Scotland provided in Flanders two regiments of dragoons and six battalions of foot in English pay as well as the six battalions of the Scots Brigade—a total of about 10,000 men. It must not be forgotten, too, that Scots were to be found serving in non-Scottish regiments. Lieutenant Roderick Bayne, for example, who writes in 1706 to the earl of Cromartie giving news of the Scottish regiments in Flanders, is obviously a Scot, although he was serving in Godfrey's regiment.[9] A considerable proportion

[1] Blackader, *Diary*, p. 330. [2] P.R.O., W.O. 4/8, p. 26.

[3] C. T. Atkinson, 'Marlborough's Sieges: Further Evidence', *Journal of the Society for Army Historical Research*, xxiv (1946), 85.

[4] P.R.O., W.O. 4/12, p. 48; *Cal. Treasury Papers*, iv. 287.

[5] P.R.O., W.O. 4/14, p. 55.

[6] C. T. Atkinson, 'Marlborough's Sieges: Bouchain', *Journal of the Society for Army Historical Research*, xiv (1935), 117.

[7] P.R.O., W.O. 4/15, p. 22.

[8] See *Papers relating to the Scots Brigade in Holland*, vol. ii (Scottish Hist. Soc., 1899).

[9] Sir W. Fraser, *The Earls of Cromartie: their Kindred, Country, and Correspondence*, ii. 24.

of Marlborough's general officers were Scots. The earl of Orkney, a younger and more loyal brother of the enigmatic duke of Hamilton, was one of Marlborough's most trusted subordinates. He was very much the professional, 'an honest good-natured gentleman, who has much distinguished himself as a soldier',[1] and some of his compatriots lamented his unwillingness to become involved in the canvassing for preferment which was continually going on at Marlborough's headquarters.[2] Much less averse to intrigue was the duke of Argyll. Although he served with great distinction at Ramillies and elsewhere, there was a strong suspicion that his promotion to the rank of major-general in 1706 was a political move; he himself stated that his going to Scotland to assist in carrying through the Union depended on his having justice done to him in the army.[3] Dalrymple's appointment as brigadier at the same time seems also to have been designed to confirm his father, the earl of Stair, in his attachment to the Union.[4] Other Scots who served under Marlborough as brigadiers or major-generals were Hay, Ferguson, Row, Ross[5] and officers of the Scots Brigade such as George Hamilton, Robert Murray and George Lauder.

Scotland's contribution to the Peninsular theatre of operations was proportionately less important. Two regiments which had been raised in Scotland for the English establishment took part in the fighting in Spain. Macartney's was recruited in 1704[6] and served in Flanders until 1706, when it was ordered to form part of the expedition under Earl Rivers, intended at first for a descent on the French coast but later diverted to Spain.[7] At Almanza in the following year the regiment was forced to surrender, Macartney himself being among the prisoners.[8] The second regiment, Lord Mark Kerr's, was raised in 1706 on the same terms as Macartney's, mainly by drafts from three regiments on

[1] Swift, *Prose Works*, ed. Temple Scott (1902), x. 285.
[2] *H.M.C., Portland MSS.*, iv. 266.
[3] *H.M.C., Mar and Kellie MSS.*, p. 270. Cf. *ibid.*, pp. 279–80.
[4] Graham, *op. cit.*, i. 229.
[5] Although Charles Ross was born at Fearn in Ross-shire, his regiment, now the 5th Lancers, had no connection with Scotland, and in 1704 was given the title of 'Royal Dragoons of Ireland' (*Letters and Dispatches of Marlborough*, i. 241).
[6] P.R.O., W.O. 55/343, p. 272.
[7] P.R.O., W.O. 4/4.
[8] *H.M.C., Bath MSS.*, i. 170.

the Scots establishment—Maitland's, Grant's and Strathnaver's.[1] It too formed part of Rivers' expedition and was broken at Almanza. Both regiments were re-raised in 1707. At the time of the battle they each had recruiting parties in England[2] and on 27 September 1707 these parties were ordered 'particularly to raise their recruits in [North Britain]'.[3] In December the regiments in Flanders were each instructed to provide a lieutenant and an ensign to help in re-forming the regiments broken at Almanza.[4]

Neither regiment was able to remain completely Scottish, but had to recruit in England as well.[5] After re-formation, Macartney's was sent to Flanders, where it remained until its disbandment in 1713.[6] Mark Kerr's was stationed in the north of England until it left for Spain in 1710 as part of the reinforcements sent out under Whetham. It was present in support when Molesworth's regiment broke a French brigade at Pratz del Rey in 1711.[7] The following year it was disbanded at Gibraltar.[8]

The only other Scottish regiment which saw service in Spain was the first battalion of the Scots Guards. Sent out in 1709, it was overwhelmed in the disaster at Brihuega in December 1710.[9] Few Scottish generals served in the Peninsular theatre. The earl of Portmore, a former Scots Brigade officer and colonel of the Queen's regiment of foot, was in Portugal under Schomberg in 1704. Six years later he was appointed commander-in-chief there. but held the post only for a year. In 1711 the duke of Argyll was sent out to command what was left of the British forces in Spain. He found the difficulties disheartening and in the summer of 1712 carried out an evacuation of his forces to Minorca.[10] On his staff was brigadier John Stewart of the Scots Guards.

[1] Sir W. Fraser, *The Melvilles, Earls of Melville, and the Leslies, Earls of Leven*, ii. 60; *H.M.C. Mar and Kellie MSS.*, p. 252.

[2] *House of Lords MSS.*, n.s., ix. 56–7.

[3] P.R.O., W.O. 4/6, p. 18.

[4] *Ibid.*, p. 80.

[5] Macartney's was recruiting at York in August 1708 (P.R.O., W.O. 4/7, p. 263).

[6] It was then known as Leigh's; P.R.O., W.O. 26/12, p. 337.

[7] *H.M.C., Various Collections*, viii. 253.

[8] P.R.O., W.O. 30/189, p. 190.

[9] For details of casualties, see C. T. Atkinson, 'Brihuega', *Journal of the Society for Army Historical Research*, xxi (1942), 112–22.

[10] For his letters from Spain, see H. W. V. Temperley, 'MSS. relating to the Second Duke of Argyll', *Cambridge Hist. Journ.*, i (1924), 214–17.

No formal arrangements were ever made for the employment of these Scots troops in English pay. The earl of Roxburgh, writing to Baillie of Jerviswood on 2 December 1704, pointed out

> that there has never yet been made any cappitulation for our troopes abroad, which has occasion'd great clamour. We are now upon that matter with the Dutch, and I know no reason why we should not have it clear'd with the English likewise; especially if the Queen think fitt to send some of our troops abroad this year.[1]

The royal prerogative was all that was necessary to move Her Majesty's regiments out of Scotland, and the queen's wishes were sometimes conveyed in rather a cavalier manner, as when Nottingham, one of the English secretaries of state, wrote on 3 June 1703 to Tarbat, one of the Scottish secretaries, informing him that the queen would require two more Scottish regiments for service abroad; where he could not say except that it would not be in the West Indies.[2] The English Treasury normally took over responsibility for the payment of Scottish regiments on their arrival in England or on their departure from Scotland, but difficulties sometimes arose which were settled at an administrative level. The delay in the sailing of Row's and Ferguson's regiments from Leith in 1702 caused, according to their colonels' petition, a loss of seven days' pay since they had come off the Scots establishment on 1 March and not yet come on the English.[3] It remains uncertain whether or not they ever recovered this money.

For Scotland it was not simply a question of raising regiments and sending them abroad to be paid with English or Dutch money. The raising of recruits to make good wastage was an annual preoccupation of Scottish officials and statesmen. On 11 May 1704 Seafield, the Scottish chancellor, wrote to Godolphin to inform him that

> there are above 1600 men aboard the fleett in Leith road ready

[1] *Correspondence of George Baillie of Jerviswood* (Bannatyne Club, 1842), p. 13. The negotiations with the Dutch are referred to in *Letters and Dispatches of Marlborough*, i. 76, 210.

[2] *Cal. S. P. Dom., Anne*, ii. 2.

[3] *Cal. Treasury Books*, xviii. 14, 142; xix. 168. The normal procedure was laid down by the Lord Treasurer in the case of Teviot's dragoons, the Scots Greys: *ibid.*, xviii. 6.

to sail, and it is a very considerable number from this kingdome, but it is mightely complained of that they have so slender a convoy. There are above thirty of the best ships in Scotland convoyed only by one man of warr. I heartely wish an other could be appointed to joyn them, and the sooner the better, for they are now ready to sail.[1]

This extremely large body of recruits did not, of course, consist entirely of newly-enlisted soldiers. An earlier letter of Seafield's, written to the earl of Cromartie on 29 April 1704, throws light on the methods employed and the difficulties created at home by the practice of drafting men from existing regiments for service abroad. 'The taking the draughts out of the regiments does make a great deal of noise in this countrey. It has as good as broke three regiments, viz. Mars, Strathnavers, and Brigadeer Maitlands'. The government's task had been made harder, he went on, by the reduction of levy money from £3 to £2 a man and by the exemption from drafting of the independent companies raised for the security of the Highlands.[2]

In 1705 Seafield is able to report to Godolphin as early as 4 April that 'the recruits for the Scots regements are verie good, and are sailed some dayes since with a fair wind, and thos for the Dutch service continou hier til ther come a convoy from Holland'.[3] But there are indications this year that the whole burden of maintaining at strength the Scottish regiments in Flanders was not being borne by Scotland. As far as Ferguson's regiment was concerned, some recruiting was done in Scotland by Captain Blackader, who embarked the men he had enlisted at Kirkcaldy on 10 April,[4] but the bulk of the recruiting to fill the gaps made by the Blenheim campaign seems to have been done in England, where recourse could be had to the procedure of the 1704 Recruiting Act. Eventually, on 17 February, Ferguson's was one of the four regiments authorized to receive supernumeraries from the recruiting officers of five fully-manned regiments.[5]

[1] *Letters relating to Scotland in the reign of Queen Anne*, ed. P. Hume Brown (Scottish Hist. Soc., 1915), p. 13.

[2] Fraser, *Earls of Cromartie*, i. 233.

[3] *Letters relating to Scotland*, p. 26.

[4] Blackader, *Diary*, p. 238.

[5] P.R.O., W.O. 4/3, p. 157; cf. *ibid.*, pp. 103, 113, 115–16 for the inclusion of Ferguson's in the general scheme of recruiting for the winter of 1704/5 directed by St. John, the secretary at war, and General Charles Churchill.

Although in 1706 this regiment's recruits all came from Scotland,[1] the procedure in 1705 is a significant indication of the strain imposed by the war on Scotland's limited man-power. It also draws attention to the advantage possessed by England in her recruiting acts; impressment of any kind had not been regarded with favour in the Scotland of William III,[2] and it was not until after the Union that the English system was applied to Scotland.

The duke of Marlborough has left behind no statement of the reasons which made him so strong an advocate of the Union. It would have been interesting to have heard the speeches 'on the subject before all the company' which he made to Sir David Nairne one morning in November 1706.[3] There is no doubt, however, of his sincere desire for the Union and of the efforts he made to secure its acceptance by both kingdoms, and it is tempting to surmise that among his motives may have been an anxiety not to lose the services of those Scottish soldiers who must have become so familiar to him in the fields of Flanders and on the banks of the Danube.

## II

The Scots army at home was much less numerous, much less well-equipped and much less efficient than the Scottish regiments abroad. An establishment drawn up on 15 May 1702 made provision for a Scots army of 2,934 men at an annual cost of £65,740 14*s*.[4] This army is practically the same, in numbers and cost, as that authorized in 1701, but the way in which it was made up had changed considerably. A troop of life guards, 122 strong, was commanded by the duke of Argyll; on his death in 1703 his place was taken by his son, the second duke.[5] A second troop, of Horse Grenadier Guards, with an establishment of 64,

[1] P.R.O., W.O. 4/4, p. 197.

[2] See extracts from the Privy Council records in A. Ross, *Old Scottish Regimental Colours*, p. 45.

[3] *H.M.C., Mar and Kellie MSS.*, p. 329.

[4] *Cal. S. P. Dom., Anne*, i. 68–70. The Register House copy of this establishment is printed in *Miscellany of the Maitland Club*, iii (1843). A similar establishment dated 24 June 1701 is in P.R.O., W.O. 24/25.

[5] Details of commissions in the Scots army, based on muster rolls and treasury records in H.M. General Register House, will be found in C. Dalton, *English Army Lists and Commission Registers, 1661–1714*, v. 207 ff.

was raised in May 1702. Its first colonel was Lord Forbes, but in 1704 he exchanged with the earl of Crawford, a lieutenant-colonel in the life guards. There were two regiments of dragoons, each 205 strong. One was Lord Jedburgh's and had been on the Scots establishment since 1698. In 1703 the marquess of Lothian became its colonel. He resigned in dudgeon in March 1706, hoping to be assuaged by the colonelcy of the Scots Guards, a hope which was deferred for over a year.[1] His successor as colonel of the dragoons was Lord Polwarth, son of the earl of Marchmont. He had to sell out in 1709, because of ill-health, to William Ker, who took the regiment to Flanders and was to remain its colonel until 1741. The second dragoon regiment was raised in 1702 to replace the Scots Greys who had left for Flanders. Its colonel was the earl of Hyndford and he handed it over in 1706 to his son, Lord Carmichael.

The regiment of Scots Foot Guards, 806 strong, had as its colonel George Ramsay, a younger son of the second earl of Dalhousie and a former officer in the Scots Brigade, and two lieutenant-colonels, George Macartney and the Master of Stair. Two regiments of foot, each 386 strong, were newly raised to replace Row's and Ferguson's which had been ordered to Flanders. The colonel of one was the earl of Mar, succeeded in 1706 by Alexander Grant, and of the other the Master of Strathnaver. The third regiment of foot on the establishment (now known as the King's Own Scottish Borderers), 410 strong, was stationed at Fort William. Its colonel was James Maitland and he held the post until he sold out in 1711 to William Breton, a brigadier with the duke of Argyll in Spain.[2] In addition to Maitland's, which was specially charged with the security of the Highlands, there were in 1702 two special companies forming part of the establishment of Row's and Ferguson's regiments respectively. The company formally attached to Row's was commanded by Captain William Grant, that belonging to Ferguson's by Captain Alexander Campbell of Fonab, well known in Scotland as the victor of Toubacanti in 1699, the one gleam of light in the tragic story of Darien. In 1704 a third company was added

[1] *H.M.C., Mar and Kellie MSS.*, pp. 254, 256; *Jerviswood Correspondence* p. 162.

[2] For Breton's purchase of the regiment, see *H.M.C., Hodgkin MSS.*, p. 89.

to the existing two and attached to the Scots Foot Guards. A year earlier the marquis of Tullibardine had suggested sending these independent companies to Flanders as 'they are filled with all the most notorious rogues and theives in the Hilands; and the men will be a considerable recruitt to the regiments abroad'.[1] Finally, the establishment provided for twenty men in the artillery and garrisons at Edinburgh, Stirling, Dumbarton and Blackness castles.

The first function of this Scots army, for which it was obviously inadequate, was the defence of the kingdom against a possible French attack. Its inadequacy for this purpose was clearly recognized in Scotland. In May 1705, when St. Pol left Dunkirk with five or six ships, Seafield wrote to Godolphin detailing the steps that had been taken to meet the danger, but admitting that 'wee are in a bad condition if invaded, ful of animosities, ane armie without monie, and, I may say, arms and ammonition'.[2] Seafield's comment on the army was frequently echoed by responsible commanders both before and after the St. Pol alarm. General Ramsay reviewed the state of the Scots army in a letter written to Godolphin on 18 July 1704. He pointed out that there were 260 men in the garrisons of Edinburgh, Stirling and Dumbarton castles

> who are altogether insufficient, and are under no direction, but that of their respective Governours, nor do receive any orders from the Commander-in-Chieff, and, if there were any stir here, behoved to be supplied from the few forces wee have in the country. Ther is also three Highland independent companies of fifty each that are of no use that I know of if ther were any commotion, which are lykwise included in the number of the three thousand, so that the small army here is in a manner mouldered to nothing.[3]

The earl of Leven, master of the ordnance, submitted a memorial to the Scottish treasury on 5 February 1706, in which he drew attention to the bad state of the magazine,

[1] Fraser, *Earls of Cromartie*, i. 185.

[2] *Letters relating to Scotland*, p. 44; cf. also *ibid.*, pp. 41–2, *H.M.C.*, *Mar and Kellie MSS.*, p. 233, and Argyll, *Intimate Society Letters of the Eighteenth Century*, i. 18.

[3] *Letters relating to Scotland*, p. 50.

> their being little or noe cannon powder, noe flint stones, few or noe chests of ball, either for firelock or pistoll, and but a small quantity of cartridge paper and match. And for arms—their are not above two thousand firelocks, and these the refuse and worst of all the arms provided for many years, and so consequently very bad. Their are noe pistolls nor carabins but such as are old and insufficient. Their are few or noe bayonets, and the patron tushes and holsters that are in the magazine are very insufficient, being made up with paper.

In a covering letter the earl of Glasgow, the treasurer-depute, pointed out that to put right this state of affairs would cost six or seven thousand pounds and that the balance in the treasury was only £1,900.[1]

The weakness of the Scots army was just as well known to France and the Jacobites in exile. They knew that the army was small in numbers, ill-equipped and ill-paid. They knew where it was stationed, they knew about the system of drafting into regiments in Flanders, and they knew, or thought they knew, that many of its officers and men were Jacobite in sympathy.[2] What prevented a Jacobite attempt on Scotland before 1708 was certainly not fear of the Scots army but rather the reality of English sea-power and division of opinion among Jacobites themselves. There was the division between the Middleton faction which wished to concentrate on England and the Perth faction which wanted to act in Scotland. And within this latter faction there was division between those agents such as Hooke who were convinced that French troops would be necessary and those such as Maclean who put all their trust in the Highlanders, more than five times as strong on paper as the small Scots army.

The second function of the Scots army was the maintenance of order within the kingdom and here it had a remarkable and rather surprising success. No attempt, of course, was made to deal with the problem of the Highlands. The duty of Maitland's regiment and the three independent companies was simply to keep the Highlanders in their place; for the rest the government trusted to the heritable jurisdictions and the payment of allowances to certain clan chiefs. But the Lowlands alone, in a violent age,

[1] *H.M.C., Mar and Kellie MSS.*, p. 249.

[2] *Correspondence of Colonel Hooke*, ed. W. D. Macray (Roxburghe Club, 1870–1), i. 35, 71–6; J. Macpherson, *Original Papers*, ii. 4–8.

presented problem enough for a force of little over two thousand men. Yet in spite of the existence of a state of tension almost the whole time from the accession of Anne to the acceptance of the Union, there was no outbreak of disorder which could not be kept under control.

The end of William III's reign marked the beginning of a period of crisis. While the king kept his bed after his fall on 21 February 1702, Nottingham in the house of lords was deploring the Scottish failure to accept the principle of the English Act of Settlement, pointing out that 'that were to leaw a large gape for the Prince of Wales to enter at'.[1] The Scottish Privy Council were conscious that the gap was wider than it need be, since two of the regiments of the Scots army, Row's and Ferguson's, were embarking at Leith for service in Flanders and arrangements had not yet been made to raise new regiments to replace them. At its meeting on 11 March, unaware that the king had died three days before, the council delayed the sailing of the two regiments 'out of a desire for the safety of the kingdom' and put the rest of their meagre forces in a state of readiness.[2] Both regiments had been raised to the higher English establishment, twelve companies each of 60 men,[3] and they would have been a welcome reinforcement had trouble broken out. But on the following day news reached Edinburgh of the king's death. Anne's accession as queen of Scotland was generally welcomed. The crisis had passed and the two regiments were allowed to sail.

Much more serious was the crisis that existed between the grant of the royal assent to the Act of Security and the passing of the Act of Union in the Scottish Parliament. Early in this period occurred the death of General Ramsay, the commander-in-chief of the Scots army. Ramsay, along with the earl of March, Queensberry's son and captain of the Edinburgh castle garrison, died 'after excessive drinking' on the afternoon of Sunday 9 September 1705; rumour reported other deaths, 'for there was not a drinking man in Scotland that they could call to mind but was reported to be dead, as if they had made a tryst to have a drinking bout in

[1] *H.M.C., Marchmont MSS.*, p. 154.

[2] *Cal. S. P. Dom., Anne*, i. 6; extracts from Privy Council Register in Hume Brown, *Legislative Union of England and Scotland*, p. 22.

[3] *Cal. S. P. Dom., 1700–02*, pp. 500–1.

the other world'.[1] The following day the vacant post was applied for by the earl of Leven, who had raised the regiment which was now Maitland's in 1689. Significantly, Leven's application was addressed to Godolphin, who replied that he would have to consult Marlborough. On 25 October Marlborough wrote to Leven that he had addressed the queen in Leven's favour,[2] and in January 1706 it was known that he was to have the post,[3] although it was not gazetted until 2 March. At this time of crisis the appointment to the command of the Scots army was clearly of great importance to the queen's English ministers, and it is significant that their choice should fall on a man of sound Revolution principles, who could be dismissed by 'Mr. Scot', the Jacobite agent, in his report as 'a notorious Whig and Hanoverian'.[4]

The English and Scottish ministries were, however, looking at the crisis from different angles. Godolphin was thinking in terms of a possible war between the two kingdoms and his truculent attitude in 1702 had hardened as a result of the Blenheim campaign and his realization that in Marlborough England could command the services of the greatest general of the age. In September 1705 he told Secretary Johnstone that 'without the Treaty, there would be noe more Scottish Parliaments, but war'.[5] The Scottish ministry, on the other hand, were not thinking of war with England; what worried them was the possibility of the opponents of Union within Scotland resorting to violence. That is the explanation of their attitude to the movement of English troops towards the north of England in November and December 1706. Leven informed Godolphin on 5 November that he was 'glad Her Majesty has ordered any forces towards the borders and North of Ireland, for nothing encourages men more to undertake desperate courses than the hope of small opposition'.[6] The marching order books of the secretary at war[7] tell the story of these troop movements. Carpenter's and Essex's Dragoons (now the 3rd and 4th Hussars) were sent to Leeds and Lancaster respectively. Livesay's regiment of foot (now the Suffolk Regiment),

[1] *H.M.C., Marchmont MSS.*, p. 156.
[2] Fraser, *Earls of Melville and Leven*, ii. 189–90.
[3] *H.M.C., Mar and Kellie MSS.*, pp. 246–7.
[4] Macpherson, *Original Papers*, ii. 4.
[5] *Jerviswood Correspondence*, p. 122.
[6] Argyll, *Intimate Society Letters*, i. 58.
[7] P.R.O., W.O. 5/13, 14.

back from the West Indies, went to York; Barrymore's (now the Somerset Light Infantry), lately reconstituted after the return of its cadre from Spain, to Hull, with detachments at Richmond, Ripon, Bedale, Masham and Middleham. The Royal Horse Guards were strung out along the border from Alnwick to Cockermouth. Orrery's from Ireland and Erle's (now the Green Howards) were also stationed in the north. In all there were said to be available 800 horse and three times as many foot.[1] Marlborough himself explained to the duke of Queensberry how these troops were to be used:

> orders are lodged with the lieutenant-governor of Berwick for all these troops to march forwards when your Grace or the privy council shall acquaint him with the necessity of it, and then they will be put entirely under the directions of the ministry in Scotland.[2]

The whole arrangement was kept secret. Sir David Nairne warned Mar that 'all relating to this must be very private',[3] and indeed no word of it seems to have reached the opposition. If it had, there would have been a sharper protest than that made in 1704 against Stair's proposal that the Scots army should be maintained by a grant from the English treasury.[4]

Fortunately there was no need to call on the English troops. The riots in Edinburgh and Glasgow were easily dealt with by the Scottish troops available. They were the work of unruly mobs and, in Lockhart's opinion, premature since they were easily suppressed and others were thus discouraged from making more serious attempts.[5] Leven concentrated his whole force near Edinburgh. He took the unprecedented step of quartering troops in the city during the sitting of parliament. The horse and foot guards kept the peace round Parliament Close; the dragoons were used to disperse the Glasgow rioters.[6] The more serious dangers

[1] *H.M.C., Mar and Kellie MSS.*, p. 353.

[2] *Letters and Dispatches of Marlborough*, iii. 247.

[3] *H.M.C., Mar and Kellie MSS.*, p. 336. Even Defoe seems to have been ignorant of the plan (*H.M.C., Portland MSS.*, iv. 350).

[4] *Marchmont Papers*, ed. G. H. Rose, iii. 263 ff. There seems to have been recent precedent for Stair's suggestion; cf. *House of Lords MSS. 1690–1*, p. 407.

[5] *Lockhart Papers*, i. 164.

[6] *H.M.C., Mar and Kellie MSS.*, pp. 298–300, 305, 325–6, 345–6, 350; Argyll, *Intimate Society Letters*, i. 50–2; *Lockhart Papers*, i. 163–4; *H.M.C., Portland MSS.*, iv. 339–41, 365–6.

that were apprehended never occurred. Atholl's 6,000 Highlanders did not march on Edinburgh, nor did the Cameronians of the south-west. The earl of Mar believed that only the season of the year and bad weather prevented an open rising.[1] Whatever the reason, the Scots Parliament was able to carry through the final ratification of the Treaty of Union without a civil war having broken out.

A third, but minor, function of the Scots army was to enable the government to dispense patronage and so create 'interest' in parliament. Commissions in the Scots army obviously had some value, for they were bought and sold, although one wonders why when pay was so often heavily in arrears. In 1706 Robert Munro of Fowlis, in a letter to John Forbes of Culloden who was apparently contemplating taking a commission, told him

> I'm hopefull Strathnaver or Grant either that haith a vacancy will not stand much in your road, I doe own being in that imployment in Scotland is but very mean yet as you said the last day it might draw on a greater thing.[2]

However poor the preferment, the recipients were expected to carry out their part of the bargain. In August 1705 the duke of Argyll wrote to Godolphin complaining that certain office-holders had voted against the first reading of the act for a Treaty of Union; among them were Lord Torpichen 'who has a company in the Army' and the earl of Glencairn 'who is a Lieutenant-Colonel'.[3] Similarly, in December 1706, the earl of Mar complained of the voting record of Maxwell of Cardoness, 'so I think such a man is not fitt to be intrusted in the troops'.[4] A sample check of the voting on the first article of the Act of Union shows that at least 18 of the 44 nobles who voted for it were either in the army themselves or had brothers or sons in it; of the 21 nobles who voted against the article only two seem to have been in the army.[5] The exact significance of these figures could only be deter-

[1] *H.M.C., Mar and Kellie MSS.*, p. 327.

[2] *More Culloden Papers*, ed. D. Warrand, ii. 7–8.

[3] Argyll, *Intimate Society Letters*, i. 29; the printed text reads 'Tessichen', an obvious misreading of 'Torpichen'.

[4] *H.M.C., Mar and Kellie MSS.*, p. 360. Maxwell was a Lieutenant-Colonel in Maitland's.

[5] *Acts of Parliament of Scotland*, xi. 313–15.

mined by more detailed investigation, but it would at least be worth looking into the high proportion of the Scots nobility who were closely connected with the army and the relation of this fact to that nobility's attitude to the Union.

## III

The Act of Union itself does not mention the Scots army. The status of the troops in Scotland did not change; they remained, as they had been before, Her Majesty's forces in Scotland. But in effect, the passing of the Act of Union meant the disappearance of the Scots army as a separate establishment. There seems to have been some idea in 1708 of maintaining a separate Scots establishment,[1] but the idea was hardly practicable since there was now no separate Scots treasury. In 1708 the regiments of the Scots army are brought on the English establishment; that is, their charges become payable out of the sums voted by the new parliament of Great Britain. In a few cases there were changes. The troop of Scots Life Guards was brought to London as the fourth troop of the Life Guards and the troop of Scots Horse Grenadier Guards became a second troop of the Blues.[2] Sometimes there were changes made for accounting reasons. In 1709 Maitland's was placed on the establishment 'for the sea service',[3] but it remained at Fort William.

That the Scots army could be so easily incorporated in the British army may be explained by the fact that in 1707 more Scottish soldiers were serving in Flanders or Spain on English pay than were serving at home on Scottish pay. The feeling of these Scottish troops abroad, so far as we know it, was predominantly pro-Unionist. Cranston of the Cameronians could say in 1705 that 'most of our army here are Whigs and staunch ones'[4] and in 1706 Dalrymple could write to Mar, 'pray make haste with your Union'.[5] For most Scottish soldiers the Union made little practical difference. There were some changes in

[1] *House of Lords MSS., 1708–10*, p. 122.

[2] Luttrell, *Brief Historical Narration*, vi. 402.

[3] *Cal. Treasury Books*, xxiii, Introd., p. xvi. Before 1707, of course, Maitland's furnished detachments for the Scottish frigates; cf. *The Old Scots Navy*, ed. J. Grant (Navy Records Soc., 1914), pp. 344–5.

[4] *H.M.C., Portland MSS.*, iv. 250.

[5] Graham, *Stair Annals*, i. 230.

nomenclature; the Scots Dragoons became the North British Dragoons, the Scots Fusiliers the North British Fusiliers. The regiments in Scotland had their numbers brought up to the higher English level.[1] Scottish regiments serving abroad had often to recruit in England, but that had sometimes happened before the Union, and the authorities seemed reluctant to allow Scottish regiments to return home to their native land. In theory, the Test Act now applied to officers in Scottish regiments, as Blackader ruefully reflected,[2] but in practice no attempt seems ever to have been made to enforce it. How successful the merging into a British army had been is perhaps best illustrated by Cadogan's reaction in 1708 to the French attempt at a landing in Scotland. Of the ten regiments chosen by him to go to Tynemouth to meet this threat, two were Scottish, the Royal Scots and the Scots Fusiliers. Quite clearly there were no doubts of their loyalty; were they not British soldiers?

It cannot be claimed that the Scots army was a major factor in the movement of events leading to the Act of Union, but it was certainly a factor not to be ignored. And it added a touch of colour to a story otherwise dominated by political, religious and economic interests—the Scots infantry stumbling through the mud of Flanders with Blackader listening disapprovingly to their oaths, a lieutenant of Maitland's arresting a Jesuit as part of his regiment's task of securing the Highlands,[3] the blue-coated horse guards escorting the commissioner's coach along the Canongate from Holyrood to Parliament Close,[4] two troops of Polwarth's dragoons jingling along the highway from Berwick as they guarded the Equivalent on its way to Edinburgh,[5] even the fact that the Glasgow rabble in 1706 was led by an old soldier of Dumbarton's, the Royal Scots.[6] If 1707 was for the Scots army, as for the Scots parliament, the 'end of ane old song', it was at any rate a song sung bravely to the end.

[1] P.R.O., W.O. 4/7, p. 30.
[2] Blackader, *Diary*, p. 442.
[3] Dalton, *English Army Lists*, v. 223.
[4] J. Taylor, *Journey to Edenborough*, p. 111.
[5] *H.M.C., Mar and Kellie MSS.*, p. 404.
[6] *Ibid.*, p. 359.

# COMBINATION IN THE MID-NINETEENTH CENTURY COAL INDUSTRY

By A. J. Taylor, M.A.

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THE twenty years which lie between the opening of the Victorian era and the close of the Crimean War were among the most formative in the history of the British coal industry. In that period output from British collieries approximately doubled, reaching 65 million tons by 1856, and the separate coal-producing areas with their own distinct local markets, methods of working, forms of organization and mining customs took the first major steps towards integration into a national industry characterized by strong inter-regional competition, increasing mobility of capital and labour and common problems of organization, technique and legislation. Landmarks in the transformation include the formation of the first national miners' trade union in 1841, the passing of the earliest legislation applicable to the entire coal industry (the Mines and Collieries Act of 1842 and the Mines Inspection Act of 1850), and the beginning of large-scale competition between sea-borne and inland coal in the London market in 1851.

The primary cause of this change was the coming of the railway. As in the canal age, the connection between developments in the coal industry and transport was an intimate one. The railway brought a measure of unity to an industry which had hitherto been distinguished by its diversity and in so doing raised up problems which were to occupy the attention not only of mine-owners and workers but of legislators and lawyers for the next century.

The history of association and combination among colliery owners is of particular significance in illustrating the general relationship between the coming of the railway and the organization of the coal industry. The development and control of trans-

port may be factors of crucial importance in determining the existence and scope of industrial combination and more noticeably so in an industry where transport charges constitute a large proportion of the selling price of the commodity. As both Hermann Levy and P. M. Sweezy,[1] the historians of the Regulation of the North-East England Coal Trade, have indicated, the railway was the great overshadowing factor determining the later history of the Regulation. Similarly Professor Hamilton[2] has shown the part played by the Monkland Canal in the establishment of a combination in the West of Scotland coal trade in the early years of the nineteenth century. The object of this paper is not a revision of the work of these scholars, though it aims at its supplementation in one respect. Still less is it the presentation of any comprehensive picture of the movement towards or away from combination in the coal industry as a whole during these mid-century years. My main purpose is the more general one of attempting to show how forces which were moulding the development of the powerful North-Eastern Regulation were also influencing the growth and decline of combination in other areas.

## I

An historian must move cautiously when he uses terms which are normally the preserve of the economist. Combination in the sense in which the term is currently used by economists was a rare phenomenon in the early nineteenth century. Professor Macgregor has defined industrial combination as

> a method of economic organization by which a common control, of greater or less completeness, is exercised over a number of firms which either have operated hitherto, or could operate, independently . . . The motive and, while it lasts, the effect of

[1] Hermann Levy, *Monopole, Kartelle und Trusts*, 2nd edn. (Jena, 1927); P. M. Sweezy, *Monopoly and Combination in the English Coal Trade 1550–1850* (Cambridge, Mass., 1938). Levy in his study relies wholly on printed material. Sweezy has supplemented this by extensive use of the minute books of the Regulation of the Vend, 1826–47. He was unaware of the survival of earlier minute books covering the period 1800–26, however, and apparently made only a limited study of the manuscript material preserved at the North of England Institute of Mining and Mechanical Engineers.

[2] H. Hamilton, 'Combination in the West of Scotland Coal Trade, 1790–1817', *Economic History*, ii (1930), 125–36.

> combination is to create over market conditions an influence for greater, more conscious, and more centralized regulation.[1]

Not combination itself but the first step towards it is achieved when a firm by agreement with its competitors voluntarily relinquishes its initiative in determining the price of its products. It is this nascent form of combination, as well as the more fully developed cartel, with which we shall be concerned in this paper.

It would be inappropriate here to discuss at length the theory of combination; it will suffice to indicate that certain important factors which tend to support the growth of combination in industry generally were present in the early nineteenth-century coal industry, notably the uniformity and basic nature of the product, the proximity, and in many coal-fields the fewness of the number, of competing firms, the control of means of access to the market and the existence, outside the orbit of price policy, of common problems, particularly in the fields of labour relations, legislation and transport. For the most part combinations in the early nineteenth-century coal industry appear to have been defensive in origin and character. Great expectations of profit drew capitalists large and small into the business of coal-mining. But the prizes were for the few; expectations could quickly turn sour and hopes of opportunity give place to the reality of excessive competition. A general expansion of commercial activity brought demands upon the industry which it could not immediately meet. Prices rose as demand and supply were thrown out of balance, and this brought new capital, some of it ill-directed, into the industry. The gestation period for such investment varied from weeks to years, but in the more highly developed and deeper-worked coalfields three years was not uncommon. By the time such investments had matured, the disequilibrium between demand and supply had frequently been reversed and profits dwindled. Under such circumstances, coal-masters felt themselves driven towards combination as the only method of restoring stability to their undertakings, and hence an industry which by its nature had always attracted the speculator and placed a premium on individual enterprise was characterized by the strongest tendencies towards combination.

[1] D. H. Macgregor, *Industrial Competition* (1906), p. 1.

## II

With the completion of the Stockton-Darlington railway in 1825, the Regulation of the North-Eastern Coal Trade may be said to have entered the last stage of its long but disjointed history. Not for the first time the Regulation was set in jeopardy by the opening-up of a new district of sea-sale coal. In the past, expansion of the area of supply had led to periods of open trade with diminished prices and profits, culminating in a demand for a new and more rigidly organized regulation. Between 1825 and 1834 this pattern of events was repeated. By 1829, shipment of coal from the Tees had begun to effect the prosperity of the older collieries producing lower-grade coals. Four years later the Regulation collapsed. For fourteen months increasing quantities of coal were despatched from the vend area; prices and profits tumbled and the demand for a renewed restriction became daily more insistent. Early in 1834 ranks were reformed, preparations made for the admission of the Tees collieries into the Regulation, prices rose and the crisis appeared to have passed. By 1837 demand for coal had become so brisk that labour was at a premium in the North-East.[1]

Yet this new-found vitality carried within itself the seeds of its own destruction. The prosperity of the mid-'thirties attracted capital into the coal districts, leading to further railway construction, the winning of new collieries and the extension of existing workings. By 1840, when these new ventures had matured, increased demand had been more than met by the opening up of new sources of supply, and the proportions allotted to the older collieries were being reduced each year. There were 'more pigs than teats in the trade—and some wanted more milk'[2].

The difficulties of the coal-owners were increased in 1842 by

[1] Buddle to the Proprietors of Lanchester Common Colliery, 21 October 1837: 'I regret to inform you that all my endeavours to procure pitmen for Lanchester Common Colliery have proved abortive. I have made inquiries through the whole district, but not a single man is to be had—every Colliery in the Trade having their establishment of men fully employed, and several like ourselves, being short of their complement' (North of England Institute of Mining and Mechanical Engineers (hereinafter cited as N. of E. Inst.), MS. Buddle Atkinson, viii, unpaged).

[2] N. of E. Inst., MS. Buddle, Letter Books, unnumbered, Buddle to Russell, 22 December 1839.

Peel's decision to restore the export duty on coal. The foreign demand, a safety-valve for the expanding volume of supply, fell away immediately and the pressure of competition in the home market was intensified. Two years later the miners struck against their employers and the protracted dispute threw the Regulation into confusion. While some collieries lay idle for weeks, others were able to maintain at least a partial output. Among these latter were the East Durham collieries in the ownership of Lord Londonderry. When the balance of the year's activity was struck it was found that Londonderry had exceeded his quota by 34,384 tons. Faced with the requirement of contributing £8,600 into the common pool in respect of these excess leadings, Londonderry chose to leave the Regulation which, without his support, was driven to break up in the spring of 1845.

The collapse of 1845 has long been accepted as the final event in the history of the Regulation. Even Sweezy, although he gives a cursory glance at the proposal for revival in 1846–7, can only consider this as the postscript to a finished story. Yet attempts to form a regulation continued for over a decade after 1845, and there is evidence that they achieved at least a measure of success. The circumstances of these attempts and the causes of their ultimate failure throw considerable light on the factors influencing the development of combination in the industry during this period.

At the beginning of 1847 the prospects of restoring a regulated trade on the old pattern appeared small. New undertakings were still coming into operation, the area of supply was widening and Londonderry remained firm in his opposition to restriction. Yet the need for regulation seemed greater than ever. Many collieries were running at a loss, some were advertised for sale and others were continuing to operate only on credit from local bankers.[1] Under such circumstances it is not surprising that many owners were willing to give serious consideration to a proposal for a more radical solution of their difficulties—the replacement of the broken cartel by the definitive and permanent organization of a trust.[2]

[1] M. Dunn, 'On the Newcastle and Durham Coalfields', *Mining Almanack* (1849), p. 152.

[2] The term 'trust' is not used here in its strict legal sense, but as signifying a large monopolistic concern formed by the fusion of hitherto independent firms.

On 10 February 1847 the London Northumberland and Durham Coal Company issued its prospectus.[1] The Company sought to assume control of all the existing collieries in Durham, the present owners becoming shareholders in the new parent concern. In view of the accusations of monopolistic practice which such a company would inevitably arouse, it was proposed that profits should be restricted to a maximum 10% annual return on the £16 million capital invested. That such a project could have hoped to succeed where the attempt to restore the cartel had failed seems now improbable: but desperation impelled owners, among them George Eliott, to attend several meetings at which the proposals were discussed in the spring of 1847.[2] By July, Londonderry felt obliged to intervene. His letter to the *Durham Chronicle*[3] expressing uncompromising opposition to the project finally destroyed whatever hopes it had had of success. But the prospectus of the company remains as witness to the extremities to which coal-owners felt themselves pressed by the excessive competition which the railway had engendered.

While these abortive negotiations were proceeding, renewed efforts were being made by the owners of the second-class collieries to rebuild the Regulation from its foundations. At a general meeting of the Coal Trade held on 27 April 1847 and attended by 49 colliery owners or their representatives, it was resolved to attempt a 20% reduction in the vend.[4] The absence of Londonderry and Durham from the meeting and their non-compliance with the resolution not only lessened the effectiveness of the restriction but seriously jeopardized the possibility of even its partial application. By the end of the year the attempted limitation had patently not achieved its objectives. A rise in coal prices was attributable to other temporary factors and it was recognized that if the Regulation were to operate effectively it must strengthen its basis and win the co-operation of the high-quality coal producers.

At the last the former Regulation had collapsed through the disaffection of Londonderry: its restoration depended on his return. But the problem of re-establishing the combination was complicated by the growing importance of the coke and steam-coal collieries. As Matthias Dunn wrote in 1849,

[1] N. of E. Inst., Bell Collection, ix. 622.
[2] Report of Select Committee on Coal. H. C. 313, p. 297 (1873), x. 1.
[3] *Durham Chronicle*, 5 July 1847. [4] N. of E. Inst., Bell Collection, x. 9.

> The collieries are now so numerous and the efforts of the last four years, together with the great increase in the production of coke and steam coal, seem to have disjointed former accepted undertakings and thrown far and wide the materials of reunion.[1]

The first step towards a new Regulation, therefore, was to make a distinction between the problems of the coke and steam-coal collieries on the one hand and the household collieries on the other. In 1848 separate associations were established for the first two categories,[2] and the household-coal producers could now concentrate their attention on winning the support of the powerful East Durham coal-owners.

Londonderry, however, was outspoken in his criticism of any attempt at regulation.

> Every concern should act for itself and there should be no compulsion, as I fear there can be no faithfully observed organization. I shall therefore pursue the course best calculated for my own large concerns and increased and increasing establishment; I shall consider the coast [*sic*] and the state of the market . . . The state of the market is at present remunerative and ought not to be slightly endangered.[3]

This was in 1847, a year when prices were higher than at any time between 1844 and 1853; but even 1847 was not a year of profit for most of Londonderry's competitors. The months which followed saw prices falling again and the pressure for a stronger organization increased. By 1850 a loose but general regulation was in being[4] to which Londonderry alone continued to express opposition. Business activity expanded considerably during that year, but there was no upward movement in the price of coal. The investments of the mid-forties in railways and mines, not only in the North-East but in every important coal-field, were enabling supplies of coal to be produced to meet each increase in demand and precipitating a wild scramble to capture markets. In face of this situation even Londonderry was compelled to accept the necessity of a renewed regulation. In May 1851 a full agreement

[1] M. Dunn, *op. cit.*, p. 152.

[2] N. of E. Inst., MS. Watson. xci. unpaged.

[3] N. of E. Inst., Bell Collection, ix. 596. Newspaper clipping (source unspecified) 17 September 1847.

[4] *Newcastle Guardian*, 21 September 1850.

was at last effected,[1] and during the summer the Vend Committee completed its tasks of determining the basis of each colliery's quota and fixing quantities and prices for the ensuing year.

The regulation as conceived in 1851 followed in principle the model of 1835, with the added refinement of the differentiation between the household, gas and coking and steam-coal collieries. The Vend Committee was already working closely with the Factors' Committee in London, and the stage was fully set for a return to the pattern of combined activity that had existed before 1845. Whether this was effectively achieved and, if so, for how long, it is as yet impossible to say. New manuscript material is steadily being discovered in Northumberland and Durham and almost certainly further light will be thrown on the story of these later years. As late as 1857 a committee of the trade was attempting a limitation by allocating quotas, and regulation of the steam-coal trade persisted at least into the following year,[2] but how general and effective this combination was or how far it was an unbroken continuation of the agreement of 1851 are matters on which one cannot yet dogmatize. The effectiveness of this later regulation is certainly doubtful. The *Mining Journal* had always been an outspoken critic of combination and restriction, and in December 1850 severely attacked 'the stringent regulations recently revived'[3] in the trade, but after this final volley the journal was silent and an examination of the causes of the high price of coal in London in the winter of 1853–4 contained no reference to a regulation.[4] It seems probable, therefore, that the full Regulation of 1851 was stillborn.

The new attempt at regulation was faced from the outset by a more permanent and even more intractable obstacle than Londonderry himself—an obstacle that indeed may have been the instrument of his conversion. The means of conveying coal cheaply by rail into London was now open not only to the coal-owners of the Midlands, Lancashire and South Yorkshire but to those of Durham itself. The quantity of coal brought by rail into London rose from 85,597 tons in 1850 to 254,421 tons in the following year and 414,917 tons in 1852. By 1855 the total had reached 1,161,086 tons and represented more than a quarter of the

[1] N. of E. Inst., MS. Watson, xci. unpaged. Entry dated 13 May 1851.
[2] N. of E. Inst., MS. Watson, xci. unpaged.
[3] *Mining Journal*, 14 December 1850.
[4] *Ibid.*, 15 October 1853, 19 November 1853.

London supply. During the same period the importation of coal by sea into London declined by half-a-million tons. The control of the market on which an effective regulation depended had passed out of the hands of the sea-borne coal trade.

From this narrative of the closing years of the Regulation's life certain salient features emerge. As the problems of the Regulation increased, the structure of the combination tended to become more rigid. In 1829, with the competitive potentiality of the Tees collieries becoming apparent and in face of the more immediate and important threat of disloyalty from the first-class collieries of East Durham, the traditional method of assigning each colliery's proportion of the total vend by informal discussion was replaced by a complicated system of calculation and arbitration. In 1834, with the Clarence Railway opened and following the period of open trade, the Tees owners were brought into the Regulation and vigorous measures were taken to strengthen the organization of the factors in London and to reinforce the bond between owner and factor. Four years later, as trading conditions deteriorated, renewed efforts were made in this direction. After the collapse of 1845 it was suggested that the rigidity of the cartel had been a major cause of its failure, and the early attempts at revival deliberately sought a loose form of agreement; but the coal-owners were soon driven to a form of contract as strict as any which had hitherto existed. This tendency for combination to become stronger, in purpose if not achievement, as competition increased will be observed in other coalfields.

The second feature of this period of decline and attempted regeneration which merits particular attention is the dependence of the Regulation for its existence on the goodwill and loyalty of the small group of concerns responsible for the output of high-grade coal. In the early years of the nineteenth century the best quality coal had come from the collieries of the Lower Tyne, but before 1830 supremacy had passed to those newly-won beneath the Durham magnesian limestone which shipped their coal from Sunderland and, after 1831, from Seaham. When in 1808 the formation of a general Regulation had proved impossible, the coal-owners of the Lower Tyne had found it in their interest to regulate their own trade.[1] Conversely in 1829 when Lord Durham, the

[1] Buddle to Russell, 6 January 1808. Report of meeting of representatives of best collieries and of resolution that 'a regulation of the nine best collieries

owner of a group of collieries of the first rank, had shown himself unwilling to renew the agreement, the combination had collapsed. Disaffection on the part of an owner of one of the inferior collieries on the periphery of the trade could in itself do little harm to the Regulation, but the withdrawal of a Durham or a Londonderry meant the removal of one of the corner-stones on which the entire structure was founded.

During the depressed years of the 'thirties and 'forties, even the existence of a regulation was insufficient to prevent losses by many of the inferior collieries: but the greater their deficits the more tenaciously they clung to the principle of regulation. Their general loyalty was never in question. The allegiance of the high-grade coal producers, essential to the survival of the Regulation, was always less secure. The experiences of 1833–4 and of the post-1845 period demonstrated that the largest collieries were by no means always the most favourably placed economically to sustain the pressures of competitive trading. Yet every crisis of the combination between 1825 and 1850 was precipitated by one or other of the East Durham concerns.

More especially, Lord Londonderry's commitment to the principles of regulation was never firm. In 1826 he had reprimanded Buddle, then his check-viewer, for an over-zealous adherence to the policy of regulation. Buddle's reply is important as it provided the yard-stick by which Londonderry determined his later attitude towards the combination: 'I should never think of advising your Lordship to enter into anything of the kind (i.e. a Regulation) if you could make more money by keeping out of it.'[1] Two years later, when the Wear collieries collectively exceeded their stipulated vend, Londonderry was the chief offender, and in 1833 his recalcitrance was an important factor in causing the fourteen months' suspension of the agreement.

If Londonderry's relationship with the owners of the regulated collieries in general was strained, that with his neighbours in East Durham was no more happy. In 1836 the owners of the first-class collieries had acted with great promptitude to block the path of an intruder. The lease of the North Hetton colliery had come up

should take place whether the inferior ones might think proper to come into the measure or not'. N. of E. Inst., MS. Buddle, xv. 250.

[1] N. of E. Inst., MS. Buddle, Letter Books, unnumbered. Letter dated 25 December 1826.

for sale in May and a group of London investors had shown considerable interest in its purchase. Buddle saw that this constituted a direct threat to the existence of the Regulation and by 10 August he had secured concerted action from the East Durham colliery owners to effect a joint purchase of the North Hetton lease.[1] Three years later the opening up of a new colliery district in the neighbourhood of Seaham suggested the need for similar joint action, but on this occasion Buddle had to express doubts of the feasibility of such co-operation:

> I have reason *to know* that Lord Durham has an absolute horror of, and rooted aversion to connecting himself, in business in any way with Lord L. And I also *know* that the Hetton Co.—collectively and individually—feel equally averse to being connected with him.[2]

The shadow of Londonderry lay over all hopes of closer understanding in the north-eastern coal trade, and in 1843, Buddle, gloomily surveying the prospects of the Regulation, spoke of the attitude of Londonderry as the major factor determining the possible length of its life.[3] Two years later the viewer's forebodings found a posthumous justification in Londonderry's disaffection, while the course of the negotiations between 1845 and 1851 only served to underline the soundness of his prophecy. Buddle, of course, was in no position to be an objective witness, but the evidence of others who had contact with Londonderry suggests that his view of the man was not a distorted one.[4]

Yet if the behaviour of one individual determined the timing of the Regulation's dissolution, its underlying cause must clearly be sought elsewhere. Both Levy and Sweezy have justifiably

[1] N. of E. Inst., MS. Buddle, Place Books, unnumbered. Entries for 21 May 1836, 10 August 1836.

[2] N. of E. Inst., MS. Buddle, Letter Books, unnumbered. Buddle to McDonnell, 20 November 1839.

[3] N. of E. Inst., MS. Buddle, Place Books, unnumbered. Entry dated 24 April 1843.

[4] E.g. Wellington, in defending Londonderry's appointment as ambassador to St. Petersburg in 1835, is reported by Greville as admitting that 'he was not particularly partial to the man'. Greville, himself, refers to 'the loathing people had for the man' and to 'how odious and ridiculous he had made himself' (C. C. F. Greville, *Journal of the Reigns of King George IV and King William IV* (2nd. edn., 1874), iii. 225, 227).

pointed to the development of railways as the primary factor, but whereas the former tended to lay emphasis on the increasing capacity of inland coalfields to supply the London market, Sweezy appears to attribute greater significance to changing conditions in the North-East itself. The events of 1845–58 throw some further light on this controversial problem. It would be rash to assume that had the restoration of 1851, like that of 1834, been made against the background of a continued north-eastern monopoly of the London market, its longevity would have been assured: but the vitality of the combination amid the difficulties of the 'thirties and 'forties and the administrative capacity shown by the Vend Committee in meeting the new problems of the steam and coking collieries suggest that a renaissance was by no means impossible. In so far as this view is tenable, it suggests a cautious return to Levy's thesis.

## III

When attention is turned from the North-East to the other coal-districts of Great Britain, combination is less apparent both in extent and degree. With the exception of the combination in West Scotland and local limited price-fixing associations in the iron-producing districts, there is little evidence of attempts of a closely organized character to regulate prices. Regular association for other purposes, however, gave rise to less formal discussion about price levels, and even where no formal association existed coalmasters might be in frequent contact with one another about prices and wages. The bond of personal relationship and loyalty on which such agreements depended was the source of both their strength and weakness. The small group of ironmasters in the Coalbrookdale district of Shropshire were on terms of particular intimacy, but by 1818 their informal tie was—at least temporarily—losing its effectiveness. In that year Thomas Botfield of Shiffnal complained of unilateral action by the Lilleshall Company in raising colliers' and miners' wages:

> It has always been usual amongst us when any party thought an alteration of any kind necessary to call a meeting to discuss the proposed alteration. Our quarterly meetings were I think very serviceable and kept up that spirit of unanimity which is

so essential to all our interests . . . I shall with pleasure concur either in the revival of these meetings or in any other mode of communication that may be more approved.[1]

How general were arrangements of this character in the 'twenties and 'thirties it is impossible to say.[2] Evidence of the existence of associations of coalowners in this period is limited, but it suggests that their primary interest was in dealing with common labour problems rather than in attaining agreement about prices or output. From the early 'forties, however, new associations appeared, more stable than their predecessors and in many instances owing their existence to a desire to control prices. The connection between the development of railway transport and the emergence of these combinations is not always explicit, but the relationship is patently not merely coincidental. In South Lancashire, the area in which railway communications were perhaps most fully developed by 1840, associations of coalowners and merchants were coming into existence at this time. By 1843 they had been formed in the Manchester, Wigan, Preston and Liverpool districts and were attempting to control prices not only in their own neighbourhoods but throughout the markets served by the Lancashire coalfield.[3] These early measures, however, apparently met with only limited success, and the best energies of the associations were reserved for combating the strike movement of 1844.

With the railway boom of 1845–6, however, the pressure of coal supplies in the Lancashire and Cheshire markets was still further increased. Expectations of widened outlets for the output of Lancashire mines had been raised by the developments in railway transport, and colliery workings were extended with a view to meeting the expected increase in demand. By 1849, however, the expanded powers of supply were outstripping the needs of

[1] Manchester University, MS. Botfield, Letter Books, unnumbered, Botfield to Dickenson, 7 May 1818.

[2] There is evidence of the existence of a well-organized but short-lived price-fixing combination in Monmouthshire in 1830, created in part at the instigation of the local miners' union (P.R.O., Home Office Papers, 52/9, 30 March, 9 April, 5 May 1830).

[3] Resolutions passed at the different meetings of the Coal Proprietors of the Wigan District held at the Victoria Hotel, Wigan. Proceedings of the meeting of 6 October 1843. (Copy in Wigan Public Library.)

the market. At the end of that year one Cheshire colliery agent reported to his master:

> The Coal Trade in Lancashire and particularly in Manchester has been depressed to a greater extent than has ever previously been known,—arising from what may be denominated previously unknown causes. I allude to the completion of new railways, by means of which the various Colliery districts became united, when a severe competition amongst the coal proprietors of previously remote districts ensued and a reduction varying from 2/- to 3/- per ton took place in consequence.[1]

Competition, however, had not yet reached its peak. It was encouraged by the railway companies who, to secure traffic, initiated a policy of rate-cutting. These experiences brought further local associations into existence and bound the Lancashire coal-owners more closely together in an endeavour to halt the falling price scale. A 'numerous and influential' meeting of Lancashire owners at Manchester on the last day of 1849 agreed unanimously on an advance in prices, and a similar gathering a year later showed 'much more firmness with good feeling on all hands'.[2] As in the North-East, competition was producing its own antidote.

The developments in Lancashire had their counterpart in the West Riding of Yorkshire. At Barnsley meetings of coal proprietors and lessees were taking place as early as 1843.[3] A meeting at Wakefield in the following year was 'numerously attended' but concerned itself largely with labour problems.[4] By 1847, however, attention was being given increasingly to price-fixing, and in 1849 a petition from the mineworkers at Elsecar, near Sheffield, referred to a 'Union formed by the Masters to regulate the Price, Weight and quality of Coal'.[5] Less than four years later combination among the Yorkshire colliery owners had been carried to the point where it became possible to enter into negotiations with the

[1] Sudbury Hall, MS. Vernon, 15th Annual Report of the Poynton and Worth Collieries.

[2] Sudbury Hall, MS. Vernon, 15th and 16th Annual Reports of the Poynton and Worth Collieries.

[3] Sheffield City Library, MS. Fitzwilliam G 40. Benjamin Biram to Fitzwilliam, 12 April 1843.

[4] *Ibid.*, 22 February 1844, 22 April 1844.

[5] *Ibid.*, 22 June 1847, 2 August 1849.

South Durham coalowners about the price of coal at York. The railway had made the county town a battleground for the competing interests of the two great coalfields, and after six years of unregulated trade an attempt was now made to secure agreement on prices. Representatives of the Durham, Leeds-Bradford and Barnsley coal districts met at Darlington on 17 January 1853, and besides reaching agreement about an all-round increase in prices arranged for the institution of a series of quarterly meetings,[1] perhaps the first instance of an attempt at regulation extending beyond a single coalfield.

It would be unwise to assume that the experience of Lancashire, Yorkshire and the North-East was paralleled in every coalfield or that even where associations existed they were so strongly dedicated to policies of price control. Nevertheless, the course of events in these important areas—and in West Scotland where similar developments were occurring[2]—is in itself significant. But in spite of the strong desire for regulation the attempt to determine prices in no instance met with permanent success. The South Lancashire and Cheshire Coal Association, which arose from the common activity of 1843, was reorganized in 1855 and thereafter does not appear to have concerned itself with price-fixing.[3] The meetings between the Durham and Yorkshire owners soon fell into abeyance. By 1873 they had become events of 'very many years ago':[4] while from Scotland it was reported in the same year that masters' associations existed but were not concerned with regulating the price of coal. It had been found twenty years previously that such attempts 'would not work'.[5]

The forces which the railway had released were proving uncontrollable. From year to year the volume of coal moving along the various channels of distribution varied considerably. J. W. Pease said in 1873:

A few years ago we pushed our coal sales from South Durham

[1] Sheffield City Library, MS. Fitzwilliam G 40. Report of meeting of representatives of Durham and Yorkshire districts, 17 January 1853.

[2] Report of Commissioner on State of Population in Mining Districts. H. C. 844, p. 15 (1847), xvi, 401.

[3] South Lancashire and Cheshire Coal Association: Proceedings of Annual Meetings. (Copy in Wigan Public Library.)

[4] Report of Select Committee on Coal. H. C. 313, p. 158 (1873), x, 1.

[5] *Ibid.*, p. 259.

> down on to the very borders of Lancashire, and in fact, into the mills in Lancashire, because the demand was so slack. We retired as prices rose from the neighbourhood of Preston back to Kendal and Penrith; from Kendal and Penrith we came back over Stainmoor until, I believe, we have hardly a ton of coal that goes across Stainmoor and on to the western side of the island, except a little for household consumption; and, of course, the demand was supplied from nearer collieries with less carriage.[1]

Two years later prices were falling and the tide for Durham coal was running westward again. Under such conditions nothing short of a national association could effectively control prices. A Mining Association of Great Britain had come into existence in 1854, drawing representatives from every British coal district, but from the outset its activities were limited to the investigation of technical and legislative problems. For example, its third annual meeting in 1857 discussed such questions as the rating of mines, insurance for colliery owners against loss by explosion, the launching of a periodical and the establishment of a mining college.[2] There was no mention of prices or wages. This did not imply any disinterest in these matters, but a complete lack of competence in face of them. As Sir William Armstrong said at Newcastle in February 1873:

> Coalowners have long been aware that limitation of quantity was the only effective means of raising prices, but they have never been able by their own exertion to maintain a restricted production.[3]

The desire for common action was strong, the ability to achieve it almost wholly lacking.[4]

[1] Report of Select Committee on Coal. H. C. 313, p. 158 (1873), x, 1.

[2] Mining Association of Great Britain, Report of the Third Annual Meeting, 26 May 1857.

[3] *Manchester Guardian*, 11 February 1873.

[4] There is evidence that a number of coal-owners' associations were attempting to secure common agreement on prices during the boom of 1872–3, but the effectiveness of these arrangements varied from district to district and in general would appear to have been limited. There is no evidence of any attempts on the part of owners to raise prices by restriction of output (*vide* Report of Select Committee on Coal. H.C. 313, (1873), x, 1, *passim*).

## IV

The railway, therefore, which in other economies was the great creator of combinations, became in Britain the agent of their destruction. It broke down local monopoly but failed to make open the way to the larger regional combinations which were attained in the German coal industry after 1880. Yet the desperate efforts not only in the north-east but in every major coalfield to revive or create combinations in the mid-nineteenth century suggest that the strong tendencies towards individualism which characterized British industry in the Victorian age sprang not from any innate trait of character in the British businessman or from the attitude expressed in this country's legal system, but from geographical factors whose influence the railway accentuated. The tendency towards greater concentration and combination, particularly in highly capitalized basic industries, is a characteristic of the economic growth of an industrial nation. The deviation from that tendency which is observable in the British coal industry after 1850 must be regarded as an exception explicable largely in terms of this country's geographical and geological peculiarities.[1]

[1] The author wishes to thank Lord Vernon and Earl Fitzwilliam and the Trustees of the Fitzwilliam Settled Estates for permission to quote from manuscripts in the preparation of this paper.

# AUTOBIOGRAPHIES OF THE MIDDLE AGES

By Professor Paul Lehmann

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THE twentieth century, particularly since the two world wars, has been overwhelmed with a spate of memoirs which are in part autobiographical but even more markedly apologetic and self-laudatory. The inner development of the author, who is describing his own life, or at least retrospectively certain parts of it, is subordinated to his account of the events in which he has been involved and which to some extent have come about through his agency. Such memoirs, of which a good example is Bismarck's *Gedanken und Erinnerungen*, though not free from tendentious matter, do of course possess a value of their own as autobiographies.

The Middle Ages produced various types of memoirs and less frequently autobiographies, which naturally enough were much less refined and are composed with a curious mingling of reticence and naïveté. The growth in the self-awareness of the personality, which should fuse with the external development of the individual and the events in which he has played a part to form the central core of the ideal autobiography, was a slow progress even in the Ancient World. I do not need to repeat here what Georg Misch[1] has written on the subject of ancient autobiographies, since comparatively few of them exerted any direct effect upon the Middle Ages. At first, indeed, many of them were completely unknown in the West, though people were at least familiar with typical specimens of various forms of autobiographical writing: the writings of sovereigns in which they describe their activities, and in particular their accomplishments, the documents in which they justify their policies, the rhetorical and dialectical compositions of lesser personages, soliloquies on human events, and so on.

[1] G. Misch, *History of Autobiography in Antiquity* (Engl. transl., 2 vols., 1950).

A religious tone was imparted to the autobiography by the coming of Christianity, with its innate tendencies towards self-examination and its insistence on the obligation of regarding God as the ultimate judge and redeemer of the individual. The most significant and certainly by far the most important exemplar for the West were the *Confessions* of that early Father of the Church, St. Augustine. The question as to how far these can directly be regarded as autobiography has been much discussed. Augustine did not aim in the first instance at depicting his life and ideas, but rather was striving to render testimony and praise to God, which as a Christian he regarded as his highest duty. But—and in so doing he changed the form of the autobiography—he united his awareness of grace and his praise of the Creator in the fullness of his spirit and *Seelenkunst* with an astonishing capacity to analyse and understand the workings of his own mind and with a retrospective account of his own life, his youth and his conversion. With Augustine an autobiography was for the first time metaphysically understood and made comprehensible.

Augustine was famed for his *Seelenkunst*, and rightly so, but the conditioned nature of his autobiographical and psychological reflections must be borne in mind; we have to recognize how in composing his work he was unshakable in his conviction that, in spite of all the vicissitudes of his life, *religio*, the bond between the individual and God, was the final and ultimate reality. We continue to refer to Augustine's work as an autobiography, but he names it neither 'My Life' nor 'My Struggle', but quite humbly 'Confessions'. In this limitation lies that greatness which was never again to be achieved during the Middle Ages. This greatness consists in his depicting his outer and inner history, but instead of contenting himself with the portrayal of his individuality, which alone would be considered necessary to-day, he concludes with the description of the contemplative life in God.

Already before the end of St. Augustine's life his *Confessions* had begun to exert a profound influence on the public, and he increased their autobiographical character by publishing a series of *Retractationes*, and in so doing he gave the author-autobiographical tradition of antiquity a more spiritualized form. Both works were widely copied, read, and used in the Middle Ages, but were neither of them ever effectively imitated. The lists of his writings with which an author sometimes concludes his work,

as for example that which Bede gives at the end of his *Historia ecclesiastica gentis Anglorum*, are simply book-lists in the style and after the model of St. Jerome; they are invaluable to the historian, but they do not form constructive pieces of self-criticism on the part of the author. So far as confessions are concerned, there has been no dearth of them since antiquity, but they are in the main more or less general acknowledgements of sins and transgressions, i.e. confessions in the narrow ecclesiastical sense. The individual autobiographical touch is normally avoided, or is at least thrust into the background. This is true even of the *Confessions* of St. Patrick, which tells us so much about the life of this man on fire with his Christian mission.

The contrast with St. Augustine's *Confessions*, whose clarity and assurance, in spite of the rhetorical tradition, is incontestable, is best illustrated by the works of Otloh, a Benedictine monk of St. Emmeram, who lived and wrote in southern Germany in the eleventh century. Nearly all his works contain autobiographical elements, the bulk of them being in the *Liber visionum suarum et aliorum* and in the *Liber de temptationibus*. Both are the expression of a greatly heightened religious excitement, and abound in warmth and passion, but they lack the well considered and superior clarity and that spirit of steadfastness, impregnable against all assaults, in which Augustine wrote his *Confessions* after his inner conflicts, temptations and backslidings had been overcome. The *Liber visionum* is less a successor to Augustine's *Confessions* than one of the long series of accounts of religious visions. With Otloh the torments of faces and dreams and his lively interest in the visions of others are all the stranger, since so many realistic traits and observations are apparent in his writing. Although he knew Augustine's works and was in certain respects following in his footsteps, his spirit could not find complete peace and detachment in those troubled times. One has the impression that he wrote so much, both as a pure calligraphist and as a writer who infused such a high degree of personal sentiment into his compositions, precisely because he wished to calm his restlessness. It was not that he in any way doubted the doctrine of the Church, but he had so many inhibitions and took offence at so much around him that he felt compelled somehow to seek an explanation.

It is all the more regrettable that one of his works, of which curiously enough Manitius makes no mention, does not appear to

have come down to us. In the *Liber de temptationibus* he states very clearly: 'Scripsi etiam ante plures annos librum De confessione actum meorum ut si qua infirmitas vel subitanea mors me in extremis impediret a debita confessione saltem per scripta patefacerem, quis ex memet ipso, quis ex Dei gratia essem.'[1] It would be interesting to compare this apparently autobiographical work with Augustine's *Confessions*, but since it has disappeared we can only form an impression of the author's qualities as an autobiographer from the writings that have been preserved. It is indeed open to discussion as to exactly what Otloh meant when he used the word *confessio*. Dr. Bernhard Bischoff, a former pupil of mine, in an exceptionally thorough article on Otloh, wrote that his 'written confession (*Beichte*) "De confessione actuum meorum" must be regarded as lost'.[2] It is probable that the German word *Beichte* would be more fittingly replaced by *Lebensbeichte*, since the word 'confession' possibly over-emphasizes the ecclesiastical notion of the confession of sins, and tends to obscure the presumably autobiographical element in the lost work. In another sentence the same scholar, possibly remembering a question posed by myself, writes that 'the observation and unrestricted portrayal of personal experiences, which had been cautiously introduced into the early poem *De doctrina spirituali*, and come to occupy an increasingly important place in his later work, has without any doubt been influenced by Augustine'. Dr. Bischoff does not state clearly whether he is thinking of the *Confessions* or the *Retractationes*, but in either case his conclusion seems to me open to question. I have certainly found no traces of imitation in individual instances, unless indeed the bibliography and review of his own works was suggested by the *Retractationes*. So far as the *Confessions* are concerned, Otloh, who was extremely well read, may well have known them and been encouraged by them to write about himself, but no traces of direct influence or imitation can be found.

Otloh in fact was quite a different personality from Augustine, who was ever striving towards greater clarification in his thought. In the first books of his treatise *De temptationibus* he describes the torments which he had inflicted upon himself during the period

[1] Migne, *Patrologia latina*, cxlvi. 56.

[2] *Die deutsche Literatur des Mittelalters: Verfasserlexikon*, ed. W. Stammler, iii (1943), col. 667.

after he had become a monk, and relates how the devil, to whom he attributed these temptations, had attempted to distort the meaning of the scriptures for him. He had resisted these temptations by having recourse to the Bible and through the inspiration of men like Athanasius, Anthony, and Benedict. In the second book he describes, with a minuteness of detail rare in the Middle Ages, his activity as a writer and the occasions and purposes of his fairly numerous works, and here and elsewhere he constantly alludes to the fortunes of his life and his activities at Fulda, Amorbach, and Regensburg. All these reveal a religious personality, and it is no accident that Otloh of St. Emmeram must be included in the number of visionaries. It would be possible to show how his influence and that of the mystics who succeeded him led visionary writers, in their surrender to the supernatural and their preoccupation with God, to speak often and with great intensity of their experiences, both the familiar and the more spiritual. By this preoccupation with private experiences they contributed towards the psychological element in autobiography.

In the Ottonian period, Ratherius of Liége and Verona was a highly egotistical writer who possessed many of the prerequisites for the writing of autobiography. He lacked, however, the necessary concentration and the faculty of dissociating himself from the accidents and injustices of his troubled existence which alone would have enabled him to portray his interesting life systematically and with moderation. He was always at variance either with others or with himself, as Albert Hauck has shown in a masterly fashion in his *Kirchengeschichte Deutschlands*. He was born near Liége and alternated between Lotharingia and upper Italy. His life showed a perpetual fluctuation between offence and defence, rise and fall, personal humiliation and self-assured achievement.

The voluminous *Praeloquia* of Ratherius are not autobiography in the accepted sense, since they are an exhortation to his readers to battle against sin and vice. But he speaks over and over again in them about himself, and his personal association with the conditions and the individuals whom he attacks are everywhere recognizable. As a result of introducing this subjective factor into his account of his experiences he succeeds in always being interesting, but the presentation of the subject-matter is confused and formless. He writes a phrenetic tract, a defence of himself, in the form of a violent invective, and he composes an *Excerptum ex*

*dialogo confessionali* whose origins are to be found in the formulae of the penitentials. He passes a pitiless judgment upon himself and his transgressions without being able to free himself from the deeply felt inner disharmony of his life. He is a master in the art of reflection, a keenly observant but ever unhappy man, who for all his complacency and aggressiveness remains unsatisfied and who arouses our deepest sympathy when he cries out to God 'miserere mei'. In his self-agonizing he is very far from the self-conquest that led Augustine to God.

Quite different from the work of such restless autobiographers as Otloh and Ratherius are the very numerous works of historians which contain matter of an autobiographical character. An example of this type of writing is the *De rebus in administratione sua gestis* of Abbot Suger of St. Denis, who died in 1151. In this the author carefully enumerates the estates he had acquired for the abbey during his term of office, the privileges which it possessed, the paintings and church building which had been carried out under his direction, the treasures which had been purchased. At about the same date that Suger was writing in France, Markward was persuaded to describe the lamentable financial state of the abbey of Fulda, the losses it had suffered and the efforts he had made to increase the property of the abbey. Such works are valuable from the purely historical point of view, but the literary historian cannot expect to derive much from them. Nor do they deserve to be linked here with works of a similar kind from the later Middle Ages. There are other writings of the twelfth and thirteenth century which are important to the literary historian but can scarcely be ranked as autobiographies, since although they are replete with poetical self-analysis they also deliberately combine truth and fiction. Such are the writings of Hugo, the Primate of Orleans, and the Archpoet.

There is, I think, one point in all this that is deserving of emphasis. However strong was the religious factor in medieval autobiographical writing—it played, for example, the major role in Otloh's work—and however popular the *Confessions*, *Soliloquia* and *Retractationes* of Augustine were during the whole of the Middle Ages, it is impossible to regard this Father of the Church as having initiated these medieval self-portrayals. When I came to examine the question, I was surprised to find that so slight a link existed between these later works and Augustine. In saying this,

I am of course not thinking of the Augustinian philosophy of life, which was understood and appreciated by theologians and philosophers, but of the influence which the numerous writings of the bishop of Hippo might have been expected to exercise on the literary achievements of his successors. It is true that the influence of the *De civitate Dei* on the so-called *Chronicle* of Otto of Freising is extremely evident, but this is an isolated though conspicuous example. It seems clear that the writing of autobiographies in the Middle Ages was in most cases due less to the effect of a literary tradition than to the spasmodic awakening of the consciousness of the personality. This was retarded during the early Middle Ages and even later, up to the beginning of the Renaissance, as the result of the erudite objectivity of the majority of authors. It would never have occurred to a person like Hrabanus Maurus to depict his inner and outer life. An autobiography from his opponent Gottschalk would not have surprised us, but his ecclesiastical enemies would have been careful to ensure the destruction of any personal confessions and apologia which he might leave behind.

With later writers the emergence of the autobiography is much less surprising. Three notable examples are Guibert of Nogent, Peter Abélard and Gerald of Wales.

Manitius observes of Guibert of Nogent (*ob.* 1121) that 'to judge by the form he uses, he is writing for the glory of God, but in fact he is writing for his own pleasure.' This is at once an exaggeration and an understatement. It cannot on the one hand be maintained that Guibert's profession of faith in God was not sincerely meant, more especially since we have a number of works from his pen which are of a purely religious and ecclesiastical character, and it may be asserted that it is precisely his love of God that encouraged him to speak so frankly regarding the abuses in the religious life of his day. He sharply criticized the contemporary cult of relics, and in the four books of his treatise *De pignoribus sanctorum* he insisted that the inner life is a more important element in true religion than the uncritical belief in every relic and the observance of the external ceremonies of the Christian cult. It is of course very true that he found pleasure in the narration of his own life story, *De vita sua sive monodiarum libri tres*, written about 1115. Manitius in fact ignores one of the most important literary factors in Guibert's writings, their dependence on the

influence of Augustine, though Guibert's French editor d'Achery had noted this fact. It is clear from the opening chapters and several other sections that Augustine's *Confessions* provided the inspiration and model for Guibert's work. Just as the *Confessions* of Augustine start as an admission of the author's sinful weakness but develop into a song of praise and thanksgiving to God, so in his first chapter Guibert gives a detailed statement of his sinfulness in the form of a long confession, and there is no reason to suppose that the love of God on which he insists was merely a matter of outer observance. A second feature in common between the two works is the place taken in them by the mothers of their respective authors. In Augustine's case, it is always Monica who admonishes her son ensnared by his worldly life, and when eventually he does attain his inner freedom after his baptism at Milan and finds his mother at the point of death, his description of Monica's last hours and his self-characterization at that turning-point of his life forms a crucial section in the autobiographical part of the *Confessions*. Guibert likewise praises his mother and returns to her constantly in the course of his narrative, and though it is clear that the two women were fundamentally different in character, they were alike in their attempts to lead their much-loved sons away from the path of error. D'Achery also noted a third point of contact between the two works, for Guibert combated Manichaeanism and Judaism just as Augustine had fought against Manichaeans and other heretics.

Augustine's *Confessions* could also provide Guibert with a model for the portrayal of his youth, but for the description of his later life they could be of no assistance, and Guibert had therefore to rely on his own powers of expression. Here he was concerned as much with the doings of his contemporaries as with his own experiences, so that his life story was interwoven with the history of his period. From the artistic point of view the resulting mixture of autobiography and memoirs is somewhat uneven in quality.

While Guibert, not without some complacency, was writing his gossipy memoirs, Peter Abélard wrote after 1132, while in exile, his *Historia calamitatum*, a tendentious autobiography in which he described himself, his teaching and his way of living with extraordinary skill and without any trace of naïveté. There is nothing in this work to remind us of Augustine's *Confessions*. By his continuous disparagement of his opponents he places him-

self, and not his relationship with God, in the foreground throughout. Whenever he was ruthless with himself it was not the result of his pangs of conscience, for he was both vain and complacent to a rare degree, and it is easy to understand from his writings why he raised so many enemies against him. The extreme egotism and deliberateness of his work suggests that it must to some extent distort the truth, but our doubts as to its historical trustworthiness cannot affect our estimate of its value as a literary accomplishment. Apart from John of Salisbury, who composed no autobiography, no other twelfth-century author writes in so lively a manner or provides us with such a detailed account of the life and activity of the philosophical and theological schools of France. He gives a vivid picture of his own struggles and his undoubtedly great sufferings. He occasionally quotes Jerome, but does not seem ever to have used him as a literary model.

The *Historia calamitatum* is supplemented by the correspondence between Abélard and Héloïse. The authenticity of these letters has been questioned, and the historian Bernhard Schmeidler has put forward the ingenious theory that Abélard formed a complement to the story of his sorrows and sufferings by remodelling the perfectly authentic letters regarding his relationship with Héloïse. Such a practice is what one might well expect of a skilful dialectician, though considering Abélard's vanity it is a little surprising that Héloïse appears in the letters as the profounder personality of the two. I am convinced that she was so in fact, and it seems to me probable that Abélard's self-centredness prevented him from perceiving clearly her spiritual greatness and so failing to place himself in a better light in relation to her. The problem of the authenticity of the letters, however, does not really affect our evaluation of the autobiographical character of the *Historia calamitatum*.

In many cases self-consciousness has been the incentive behind the writing of autobiographers. This was not so with Augustine, who had found his salvation in God, but to some extent it was true of Ratherius, who had been tossed this way and that by his spiritual doubts, and also of Otloh, who was more concerned with his visions and inner struggles than with the incidents of his life. Vanity undoubtedly played a part with Guibert, but it finally reached its own in Abélard and in Gerald of Wales.

Gerald of Wales, the son of William de Barri, studied at Paris,

became administrator of the diocese of St. David's and later counsellor and companion to Henry II, and died in 1223 after a successful life as a statesman and as a prolific and in many ways very original writer. In all his works, in his descriptions of Ireland, in the *Expugnatio Hibernica* and the *Itinerarium Cambriae*, in the *De invectionibus* and elsewhere, he mingles autobiographical passages with strikingly acute observations of the countries and people he was familiar with. Finally he wrote in about the year 1205 the three books *De rebus a se gestis*, in which, with the assistance of letters and documents, his youth, manhood and old age are portrayed in great detail. It is worth while attempting to discover what his object was in writing this work. The comprehensive picture which he gives of his own life is in no way an emotional outburst or a confession, and not in the least the agonizing effort of a man trying to understand the conflicting impulses and forces within himself, but is a clear and factual statement of what he had done and thought and felt. Although he is concerned with motives, he is concerned still more with events and how events take place, and how individual people conduct their activities. There is no link at all between Gerald and St. Augustine. Gerald's writing stands out less because he writes in the third person about himself—this is a common enough practice among autobiographers—than because he is less concerned in attempting to understand his nature or to make us comprehend his mode of acting. His writings belong rather to the history of biography than to that of autobiography.

This point perhaps requires a little elaboration. Gerald's work does not belong to the category of edifying hagiographic writings which set out to describe the model Christian form of living and acting which is pleasing to God. Neither does it belong to the class of biographies which in the last resort hark back to the Alexandrians and Suetonius, and of which the classic medieval example was Einhard's life of Charlemagne. For Einhard the essential part was the *vita et conversatio* of the emperor, i.e. the presentation of a firm monumental portrait of a character without attempting to show that development of the personality which we regard today as an integral part of a satisfactory biography. Nor again is Gerald's work a funeral oration like the *Vita Henrici IV* or a panegyric on an individual. It rather belongs to the class of *Gesta*, like those of Wipo on the German king Conrad II, or of

William of Malmesbury on many English kings and bishops. There are many instances in the Middle Ages of the interfusion of *Vita* and *Gesta*, as indeed in the case of Einhard himself, and we sometimes find the accumulation of anecdotes in the presentation of evidence in the manner of Suetonius rather than Einhard, who consciously avoided anecdotes in his life of Charlemagne. I think the distinction between *Vita* and *Gesta* is a valuable one, and that Gerald should be placed in the category of authors of *Gesta*, despite the fact that he possessed the necessary gift of observation in portraying a personality in the light of his character and habits. The effectiveness of an autobiography depends upon the extent to which a person takes himself, his actions, or his relationship with God seriously. Humility and pride, which are not so far apart as one might suppose, can either of them provide the impulse to self-portrayal. At one moment the sense of pride and joy in what the writer has experienced and accomplished guides his pen, while at another he wishes to portray the doubts he has overcome or the enjoyment of the variety of experiences he has undergone.

During the later Middle Ages little of outstanding merit was produced in the field of autobiography. The Franciscan Fra Salimbene produced a mixture of autobiographical memoirs, anecdotes and chronicles on a great variety of subjects. Engelbert of Admont published a correspondence on his own period of study. Only the Emperor Charles IV of the house of Luxemburg wrote a noteworthy self-portrayal towards the middle of the fourteenth century.

The prologue of the *Vita Caroli IV imperatoris Romani ab eo ipso conscripta* is pretentious in its rhetoric, but the autobiography itself is far more simply written: 'Successioni vestre diligenter scripsi verba preassumpta sapientie et timoris Dei, quantum mea parvitas divini auxilii capax fuit. Nunc de vana et stulta vita mea vobis scribere cupio, ac de exordio transitus mei mundani, ut cedere vobis valeant in exemplum.' The author tells in simple language of his parentage and boyhood and the circumstances of his education. He then goes on to describe what are mainly incidents which he remembers from the first half of his life. These are extraordinarily interesting both from the cultural and the historical point of view, but they do not give us that which makes an autobiography really attractive and valuable—they reveal

neither Charles's thoughts nor the inner development of his mind. Taken as a whole the *Vita* is a mere factual narrative, which unfortunately breaks off just at the point at which Charles's life comes into the forefront of history, when as king and emperor his actions have immediate effect on the story of his day.

It would be of great value if we possessed accounts of their lives written by other rulers, particularly if they contained personal autobiographical detail. Here I have only been able to mention the most important of those which were written in Latin during the Middle Ages. But before closing I may remind you of one more work, which likewise belongs to the fourteenth century. Dante's *Divina Commedia* includes a wealth of autobiographical detail, which like everything that great poet and thinker said or wrote is described with significant emphasis and artistic skill. But although it draws inspiration from many Latin sources, and although it stresses once more with magnificent impressiveness the importance of the classical learning which was so much cultivated in the ancient world and during the Middle Ages, it was written in Italian, and so lies outside the object which I have had in mind in this paper, that of giving some account of those autobiographies of the Middle Ages which belong unquestionably to Latin literature.

# MICHAEL DAVITT AND THE BRITISH LABOUR MOVEMENT 1882–1906

By Professor T. W. Moody, M.A., Ph.D., F.R.Hist.S.

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THE phase of Michael Davitt's career that earned for him the description, 'Father of the Land League', has an assured place in Irish history. It occupied less than four years (1878–82), when Davitt was in his thirties. But he lived to be sixty, and his later career was filled with many-sided activity, whose significance has not received the recognition it deserves. The two great movements, self-government and agrarian revolution in Ireland, to which he had dedicated his earlier life, continued to command his first loyalty, but from 1882 they were associated with a rich variety of other causes, from defence of the Scottish crofters to the nationalist movement in India, and from Zionism to the independence of the Boers.

Among all the objects of his far-spreading sympathy, none engaged his energies so deeply and continuously as the movement for political emancipation among the working-classes of Great Britain. Increasingly he came to identify the struggles of British working-men for social justice with the peasant revolt that he had inspired and led; increasingly he came to believe that home rule could only be won for Ireland with the support of the British working-classes; and despite much discouragement and frustration he persevered with his self-appointed task of teaching the working-classes of both countries to understand each other's problems and of advancing the labour movement in Britain both as an end in itself and as a means to the ultimate solution of the Anglo-Irish problem.

The twenty-four years (1882–1906) during which Davitt pursued these objects belong to a distinct phase in the history of the British labour movement that opens after 1867 with the begin-

nings of labour representation in parliament under the wing of the liberal party and ends with the emergence of an independent labour party in the general election of 1906. The second parliamentary reform act, by enfranchising a substantial section of the urban population, created the conditions in which the working-classes could exert a significant influence in politics. The first working-men in parliament—two in 1874, three in 1880, and two in 1881—were the founders not of a separate labour party but of a labour adjunct to the liberals under the exhilarating leadership of Gladstone. The social programme of these 'lib.-lab.'s' was not only not socialist but was to the right of the new, middle-class radicalism expounded by Chamberlain and Dilke in the 'seventies and 'eighties from within the liberal party. It was this that gave the impetus to the final parliamentary reform of the century, carried by Gladstone in 1884–5, which extended the household franchise to the counties and reconstructed the electoral map in accordance with population. These conditions had the immediate effect, in the general election of 1885, of increasing the lib.-lab. group from two to eleven, just when it seemed that Chamberlain was destined to capture the liberal party for a programme far in advance of lib.-lab. expectations. But Chamberlain's radical adventure crashed over the issue of home rule for Ireland, and within the labour movement the lib.-lab. régime began to be challenged under the combined influence of severe economic depression and the growth of socialist ideas.

From 1883 H. M. Hyndman's Social Democratic Federation was preaching his version of Marx's doctrines to the working-classes and especially to unorganized labour and the unemployed, while the Fabian Society was seeking to permeate all classes with its own peculiar brand of gradualist socialism. Both influences favoured the rise of independent labour action in politics through their criticism of liberalism. A militant spirit was infused into the trade-union movement by the new unionism of the late 'eighties, which brought into the movement whole classes of workers, notably the dockers, previously quite unorganized. New leaders such as John Burns, Tom Mann, Ben Tillett, and, above all, Keir Hardie, fired by socialist idealism without being dogmatic socialists, began to convince working-men that the labour alliance with Gladstonian liberalism was a fraud, and that labour could not fight for its rights effectively unless it regarded liberals and con-

servatives alike as enemies. This policy took practical shape in the formation of the Scottish Labour Party in 1888 and in the return of three independent labour candidates (Hardie, Burns and Wilson) to parliament in the general election of 1892; and it reached a decisive stage with the foundation in 1893 of the Independent Labour Party, under Hardie's chairmanship, as a definitely socialist body with a programme of immediate objectives which included the abolition of child labour, an eight-hour maximum working day, state provision for aged, sick and disabled workers and for widows and orphans, work for the unemployed, free, non-sectarian education, the abolition of indirect taxation, the taxation, to extinction, of unearned incomes, and support of all measures for democratizing the constitution.

The I.L.P. proved a more powerful agency of socialist propaganda than the S.D.F., but though it made headway in local government elections, it failed to convert the main body of organized labour to its socialist programme. Of the 28 candidates whom it ran in the general election of 1895, not one was returned, whereas the lib.-lab.'s all but held their ground. Hardie and his colleagues recognized that there was no prospect of an independent labour party in parliament unless the I.L.P. won the support of the trade unions, and they resigned themselves to making concessions with this object. The Trade Union Congress of 1899 was persuaded to authorize the summoning of a special conference of working-class organizations 'to devise ways and means of securing an increased number of labour members in the next parliament'. In 1900 the conference met, and delegates from trade unions, the I.L.P., the Social Democratic Federation and the Fabian Society agreed to form a Labour Representation Committee for the purpose of establishing a distinct labour group in parliament, not committed to socialism, ready to co-operate with other parties in advancing labour interests, and without any defined programme. After a depressing start in the 'khaki' election of 1900, when only two L.R.C. candidates, including Hardie, were returned, as compared with eight lib.-lab.'s, the L.R.C. gradually strengthened its position, raising a parliamentary fund, adopting a party pledge and building up electoral machinery. In the general election of 1906, which gave the liberals a solid majority over all other parties, the L.R.C. won 30 seats, while 24 went to lib.-lab.'s. This victory of the L.R.C. marked a turn-

ing-point in labour politics, signalized by the adoption of the title, Labour Party, and the election of Hardie as its chairman.[1]

Davitt's participation in this complex movement was due in part to the natural bent of his mind, in which richness of sympathy, fighting ardour, and readiness to respond to any appeal for justice were combined with moral courage of unusual toughness, a sober but irrepressible optimism, and a robust faith in the common man. His early life was stamped with the suffering both of the rural poor of Ireland and of the industrial poor of England. The son of a peasant of county Mayo, he was six years old when in 1852 his family was thrown out on the road by an evicting landlord. Following the trail of friends and former neighbours, his father found a new home for the family in the Lancashire cotton-town of Haslingden, where, at the age of ten, Michael was working twelve hours a day in a cotton mill. He was just over eleven when he lost his right arm through a machine accident. After two years of unexpected schooling, employment with the local postmaster raised him to the black-coated level, but he never forgot his factory days and his kinship with factory-workers. A Catholic who had been taught by a Wesleyan schoolmaster, he was free from religious animosities; and, reared in a district where English hostility to the exiled Irish sometimes assumed a sectarian form, he learnt very young to deplore the folly of working-men who allowed sectarian bigotry to obscure their common interests.[2]

Hatred of British rule and of landlordism in Ireland were two dominating passions of the Irish among whom Davitt grew up, but in his youthful experience they came to be linked with the English chartist tradition. The first man after his father whom he heard denouncing landlordism was Ernest Jones, the English chartist agitator and pioneer labour-leader, who had spent two years in prison (1848–50) for seditious speeches and who, as a barrister, defended the Irish prisoners in the Manchester Fenian trials of 1867.[3] The Fenian movement, secret, oath-bound, and

[1] The three preceding paragraphs are based on G. D. H. Cole, *British working-class politics, 1832–1914* (1941).

[2] Autobiographical material among Davitt's letters and papers, which are in my possession.

[3] Davitt, *Defence of the Land League* (1890), p. 30; Cole, *British working-class politics*, pp. 21–3, 46; *D.N.B.*, *s.v.* Ernest Jones.

uncompromisingly bent upon winning an Irish republic by force, drew its strength largely from young working-class Irishmen, and inevitably Davitt took his place in this perilous underground. His activities as organizer and arms-agent in Britain earned him a sentence of fifteen years' penal servitude in 1870. He passed his next seven years in extremely close confinement, largely in Dartmoor, suffering acutely but retaining his sanity and preparing to renew the fight by more effective methods.[1] He emerged on ticket-of-leave in 1877 to become the architect of a revolution in Irish politics. The exciting new tactics of Parnell in the House of Commons were infusing a fighting spirit into the home-rule movement; Davitt, through the institution of the Land League in 1879 under Parnell's presidency, coupled this constitutional movement to a great popular agitation for a radical settlement of the land question. Nationalists of all shades of opinion joined the Land League, forming a popular front to which the most combative element was contributed by Fenians won over by Davitt's example from secret to 'open' action.[2] The resulting 'land war' (1879–82) was the greatest mass-movement of nineteenth-century Ireland. Technically legal, it was animated by the spirit of social revolution, and though its strength lay in its policy of 'aggressive moral-force',[3] culminating in the boycott, it inevitably spilled over into violence. When Gladstone's government met its challenge with a combination of coercion and concession, it seemed that the league was beaten; but in fact it had won a decisive battle against Irish landlordism and given a decisive impulse to the advance of democracy in Ireland.

The spirit and methods of the Land League were those of trade unionism on the offensive, and Davitt was deeply conscious of its universal implications. 'The principle upon which this land movement rests are founded upon . . . natural justice. . . . The cause of Ireland today is that of humanity and labour throughout the world.'[4] But working people in Britain generally shared the hostility of the British governing-class towards the Land League.[5]

[1] T. W. Moody, 'Michael Davitt in penal servitude', *Studies*, xxx (1941), 517–30; xxxi (1942), 16–30.

[2] T. W. Moody, 'The new departure in Irish politics, 1878–9', *Essays in British and Irish history in honour of James Eadie Todd* (1949), pp. 303–33.

[3] Davitt, *The fall of feudalism in Ireland* (1904), p. 311.

[4] Speech at Straide (Davitt's birthplace), co. Mayo, 1 Feb. 1880.

[5] H. M. Hyndman, 'The revolution of to-day', *To-day*, i (1884), 8.

To make them aware that the struggle of the Irish peasantry was also their struggle seemed highly important to Davitt; and though his hands were then too full to take up the task himself, he convinced Parnell of its value. On Davitt's arrest in February 1881 Parnell publicly advocated a policy of 'deepening the lines and widening the area of our agitation' and 'appealing to the great masses of the population of England and Scotland', who, though now 'much less represented in the House of Commons than the masses of Ireland', would very soon acquire a great increase of electoral power by the extension of household suffrage to the counties.[1] There was, however, little opportunity of applying this plan before Parnell himself had followed the other Land League chiefs into imprisonment (October 1881). But it was independently adopted on the British side by Hyndman's Democratic Federation, founded in June 1881. One of the federation's first undertakings was to send a commission to Ireland to inquire into the land problem; Hyndman himself went to Dublin, joined the Land League, and afterwards acted on the executive of its auxiliary, the Land League of Great Britain.[2] Support of the Irish national movement, especially in its agrarian aspect, continued to be one of the planks in the Democratic (from 1883 the Social Democratic) Federation's programme. But the S.D.F. was never more than a socialist élite, whose appeal to the British masses was negligible.

Fifteen months in Portland Prison under relatively indulgent conditions gave Davitt ample opportunity for reflection and laid the foundations of his first book, *Leaves from a prison diary*,[3] a collection of essays on crime and its treatment, education, poverty, social justice, the welfare state, vested interests and political power. Poverty is attributed to control of the means of production by landowners and capitalists, and the principal remedies proposed are national ownership of the land, industrial cooperation, and the extension of public enterprise and of state regulation of industry. Municipal socialism of the gas-and-water type Davitt approves, and also state-ownership of such services as railways, but he doubts whether it will ever be necessary for the state to become a universal employer. 'No one can say absolutely what is

[1] Davitt, *Fall of feudalism*, pp. 306–8, 448–50.
[2] Hyndman, *Record of an adventurous life* (1911), pp. 255–7.
[3] Completed in 1884, published in 1885.

and what is not the duty of the state. It is for every successive generation in any given community to say what duties shall be discharged independently by individuals or collectively by the state.'[1] Davitt had read Mill and Jevons but knew nothing of Marx, despite the fact that Hyndman, Marx's earliest English interpreter, was so closely associated with the Land League. Indeed, Davitt's general outlook on the social problem was no more socialist than the contemporary radicalism of Chamberlain except on two vital questions, land and the parliamentary representation of labour.

The battle-cry of the Land League, 'the land of Ireland for the people of Ireland', meant to Irish farmers their own conversion into owners, and this was in fact what the land war eventually brought about. But Davitt was in passionate revolt against the whole institution of private property in land. He had hitherto not clarified his ideas on the subject, and in the thick of the fight had been content to concentrate his energies on the overthrow of the landlords. Now he elaborated a theory of nationalization that combined his own notions with the recently publicized views of Henry George on the taxation of land values. The tenant under Davitt's scheme was to enjoy the full product of his industry and to have a virtual freehold in his farm, paying a tax equal to the annual value of the bare land and observing certain conditions such as that the land should be cultivated, that it should not be sub-divided beyond specified limits, that it should not be larger than the tenant could personally manage, and that the state should have the right to authorize mines and minerals to be worked in it, subject to reasonable compensation. Comparing this scheme with peasant proprietorship, Davitt argued that the mere multiplication of landowners through state-aided land-purchase would not remove the evils inherent in the private ownership of land, and in particular that it would help neither the agricultural labourers nor the industrial workers. 'By what right are the public funds to be utilized for the benefit of a section of the community merely?'[2] Under national ownership, on the other hand, both these classes would share in the new prosperity of the farmers through the liberation of land now lying waste or idle, the abolition of all taxes save the single tax on the value of land, and the elimination of speculative land values. Now however defective

[1] *Leaves from a prison diary*, ii. 128. [2] *Ibid.*, ii. 99.

were the economics of this scheme[1]—to which, in principle, Davitt thereafter steadfastly adhered—its importance in his career as the theoretical link between the cause of 'the land for the people' and the cause of labour in general was enormous. Like Henry George's *Progress and poverty*, first published in 1879, to which it was deeply indebted, it was a scheme to remedy the wrongs of the working-classes as a whole. And just as George's doctrine, without being specifically socialist, gave powerful impetus to the growth of socialism, especially in Britain,[2] so Davitt's pet agrarian theory tended always to impel him into the socialist camp.

As to labour representation, Davitt observed that the enlargement of the franchise since 1832 had not produced any comparable accession of political strength to the working-classes. Government in Britain was still virtually the monopoly of privilege and wealth, and from this fact flowed social injustice, imperialism and war. The remedy lay in the exercise by workingmen of the functions now blindly delegated to their employers. If workers would organize for electoral purposes, they 'could return a labour party fifty or sixty strong to the House of Commons, instructed to act independently of political parties and with a view to the interests of labour'.[3] To facilitate this great change, the working-classes should demand that election expenses be made a charge on the rates and that salaries be provided for M.P.'s. The advent of an independent labour party would challenge the supremacy of wealth, now entrenched in the House of Commons, and would put an end to the stronghold of privilege, the House of Lords. For all these purposes scarcely any enterprise could be more serviceable to labour than to own a press of its own. Such proposals place Davitt among the pioneers of independent labour action in British politics.

Davitt was thus more extreme in his views than ever when he emerged from Portland in May 1882 to find that he owed his release to a compact between Parnell and Gladstone—the 'Kilmainham treaty'—whereby the liberal government was to co-

[1] See Hyndman, *Further reminiscences*, pp. 41–2; G. Shaw Lefevre, *Agrarian tenures* (1893), pp. 305–8.

[2] E. R. Pease, *History of the Fabian Society* (2nd ed., 1925), pp. 20–1; *Keir Hardie's speeches and writings*, ed. E. Hughes (n.d.), p. 16.

[3] *Leaves from a prison diary*, ii. 161.

operate with the national party in return for the damping down of agrarian agitation. The essential conservatism of Parnell on the social issue thus confronted the spirit of social revolution in Davitt; and though Davitt steadily supported Parnell's leadership till the divorce crisis in 1890, he insisted on the right to advance the national cause in his own way.[1] Parnell had now no stomach for the policy of a labour alliance which prior to imprisonment he had endorsed; but Davitt none the less embarked upon that policy on the morrow of his release from Portland, in a speech at Manchester (21 May 1882) in the company of Henry George.[2] A speech at Liverpool (6 June) detailing his land-nationalization scheme for Ireland[3] produced a press sensation and the first overt criticism from Parnell.[4] On tour in America soon afterwards, Davitt successfully defended his so-called 'new departure'[5]: at a vast demonstration of working-men in Union Square, New York, on 5 July 1882, he welcomed the simultaneous growth among the workers of Great Britain of an interest in land nationalization and of sympathy with the cause of the farmers and agricultural labourers of Ireland. 'The rising democracy of England are not animated with feelings of hatred towards the people of Ireland; I believe, on the contrary, they are willing that Ireland should have those rights, political and social, that they themselves are demanding.'[6]

During the next few years Davitt carried on a vigorous propaganda for land nationalization all over Britain, working outwards from the areas in which Irish influence was strongest—Lancashire, Yorkshire, Tyneside, the Clyde and the London area—and becoming one of the best-known platform figures among the Irish leaders. Usually alone on these speech-making tours, he always kept in close touch with Richard McGhee, one of his few intimates, a free-thinking Ulster protestant of advanced social views, a militant home-ruler and Henry-Georgeite, and in his courage, honesty and zest for good causes a man altogether after

[1] Davitt's diary, 26 May, 12–14 Sept. 1882.

[2] *Manchester Examiner*, 22 May 1882; reprinted in D. B. Cashman, *Life of Michael Davitt* 1882, pp. 156–71.

[3] *The Times*, 7 June 1882; reprinted in Cashman, pp. 171–85.

[4] *New York Herald*, 18 June 1882.

[5] *New York Daily World*, 20 June, 16 July 1882; Cashman, pp. 242–50.

[6] *Irish Nation* (New York), July 1882.

Davitt's own heart. Increasingly implicated in trade unionism and labour politics in Britain, he was a constant sympathizer, critic, and source of information to his more visionary and isolated friend; I am greatly in his debt for the care with which he preserved so many of Davitt's letters. He and another Ulsterman, John Ferguson, who was settled in Glasgow, were the most constant supporters of Davitt's land and labour policy in Britain.

Davitt was the principal speaker at a mass meeting in St. James's Hall, London, on 30 October 1883, organized by the English Land Reform Union, with the Rev. Stewart Headlam—the well-known 'Christian socialist'—in the chair.[1] His speech, carefully drafted beforehand as 'a sort of proletarian manifesto'[2] on the theme 'private property in land is public robbery', was received with such enthusiasm that the occasion seemed to him the possible beginning of an agrarian revolution in Britain.[3] Hyndman described it as the most distinctly revolutionary gathering that had been held in London for over thirty-five years.[4] Davitt's concluding reflection for 1883 was: 'Social revolution will march on in England. Ireland will then stand a chance. What idiots the men of the [Irish] Parliamentary Party must be not only to ignore this movement in England but actually to obstruct me in my efforts to help it along.'[5] These efforts were in part responsible for the foundation, in February 1884, of the Scottish Land Restoration League, a Henry-Georgeite organization in which Richard McGhee was a leading spirit along with men who were soon to play an important part in the Scottish labour movement.[6] In the same month Davitt met a deputation of Welsh land reformers, headed by Professor Pan Jones, at Chester, to advise them about a national land movement for Wales.[7]

These activities brought forth a resounding rebuke from Parnell on 15 April 1884. What could be more preposterous than to expect the Irish peasant to renounce the goal of occupying ownership and adopt the new craze of land nationalization? As to

[1] *Freeman's Journal*, 31 Oct. 1883.
[2] Davitt to McGhee, *c.* 27 Oct. 1883.
[3] Davitt's diary, 30 Oct. 1883.
[4] 'The revolution of to-day', *To-day*, i (1884), 9.
[5] Davitt's diary, 31 Dec. 1883.
[6] Printed circular among Davitt MSS.
[7] Davitt's diary, 14 Feb. 1884.

the other aspect of Davitt's unauthorized programme, Parnell was equally scornful: 'We are told of some great wave of English democracy which is coming over here to poor Ireland to assist the Irish democracy. The poor Irish democracy will have, I fear, to rely upon themselves in the future as they have had to do up to the present.'[1] Davitt's decision not to reply to this attack was characteristic: he preferred to swallow his pride and keep silence rather than to regale the real enemy with the spectacle of a divided party. But to McGhee he commented sadly on Parnell's blindness to the great forces that were shaping the future.[2]

Parnell's flirtation with the conservatives in 1885 produced a new conflict with Davitt that threatened to split the national party. After pulling down Gladstone's government by a combination with the conservatives in June 1885, Parnell received secret overtures which convinced him that they were prepared to concede home rule as the price for Irish support in the coming general election, when the greatly enlarged electorate provided for by the reform acts of 1884–5 would be brought into play for the first time. The Irish vote in Great Britain would be a critical factor, and Parnell was disposed to cast it on the conservative side.[3] To Davitt such tactics were even more repugnant than those of the Kilmainham treaty: the conservatives were essentially the party of privilege, of vested interests, of imperialism; the only hope for Ireland lay with the friends of democracy. His speech at a demonstration of London working-men in Hyde Park on 28 June 1885 showed how aware he was of labour's new potentialities:

> The industrial classes in these countries can, if they combine at the polls, hurl the party of wars and waste, of land monopoly and the plunder of labour—the party of hereditary obstruction to social and political progress—from the helm of the state, and substitute government of the people and by the people . . . This, then, ought to be your programme at the coming election. Demand universal adult suffrage . . . to complete the enfranchisement of the people, the nationalization of agricultural and pasture land, . . . the municipalization of land on which centres of population stand, . . . the state ownership of mines and the payment out of the revenues thereof of an

[1] R. B. O'Brien, *Charles Stewart Parnell* (1898), ii. 34–6.
[2] Davitt to McGhee, April 1884.
[3] O'Brien, *Parnell*, ii. 45–95.

> insurance upon the lives of all who labour in coal pits. Demand eight hours per day as the regulation time of employment, and, of course, demand the abolition of the hereditary chamber of obstruction, the house of lords . . . And finally demand that atonement be made to Ireland for the crimes which your statesmen have been guilty of . . . by restoring to her the right to manage her own affairs in a national assembly in Dublin.[1]

That Davitt was making headway in the labour world was shown by an invitation from Sheffield to stand as a working-men's candidate for the central division. In declining the honour he explained that, though a strong believer in direct labour representation, he could do fifty times more service for Ireland and the masses to which he belonged by working in his own way outside parliament.[2]

In October 1885, he campaigned in Scotland for the Scottish Land Restoration League, which a month later was to run five candidates in the general election; these contests, Mr. Cole has pointed out, deserved to be regarded, quite as much as Burns's fight at Nottingham, as the pioneer battles for independent labour representation.'[3] At Greenock, where industrial depression was acute, Davitt spoke of the absurdity of electing aristocrats and capitalists to represent working-class constituencies; as well might a coal-porter present himself for election as a representative peer for Scotland.[4] Thus Parnell's manifesto of 21 November instructing the Irish electors in Britain to vote against liberal candidates cut right across Davitt's policy, and was particularly damaging to the land-nationalization candidates in Glasgow, where there was no possibility of conservatives being returned.[5] For example, Shaw Maxwell, who had made great personal sacrifices for his steady advocacy of the Irish cause, received scarcely a dozen Irish votes.[6] 'Parnell and his crowd', Davitt wrote gloomily to McGhee, 'are going in for a new form of toryism. They fear the democracy. Priests, parsons, Parnellites and peers appear to be on the one platform now, and the programme is: keep the democracy out of Westminster.'[7] The reference to priests and parsons is ex-

[1] *Freeman's Journal*, 29 June 1885. [2] *Ibid.*, 8 July 1885.
[3] *British working-class politics*, p. 100.
[4] *Glasgow Observer*, 24 Oct. 1885.
[5] Davitt to the *Melbourne Advocate*, 26 Nov., 3 Dec. 1885.
[6] McGhee to Davitt, 14 Dec. 1885. [7] Davitt to McGhee, 23 Nov. 1885.

plained by clerical hostility to the radicals arising out of Chamberlain's advocacy of undenominational schools.[1] The event proved Davitt to have been right about the conservatives.

Gladstone's conversion to home rule in 1886 had a determining influence on Davitt's whole subsequent policy. Convinced of Gladstone's integrity, and moved by his splendid audacity, he regarded the liberal party as entitled to generous support. But he lost none of his interest in working-class politics, and, as a current began to set in favour of the plan of independent labour action that he himself had been foremost in advocating, his sense of obligation to the liberals came into conflict with his labour outlook. While he inclined increasingly to the left,[2] he felt constrained to argue that a lib.-lab. policy was, for the time being, the most sensible for labour. Yet the mounting urgency of the social problem was plain to him. He witnessed the rioting—'an eye-opener for the westenders'[3]—that followed the socialist demonstration in Trafalgar Square on 8 February 1886 and resulted in the arrest of Hyndman, Williams, Champion and John Burns (now rising into notoriety as 'the man with the red flag').[4] He was the principal speaker at the Easter Monday labour demonstration in Hyde Park on 11 April 1887.[5] On 20 February 1888 he presided at a vast and vociferous meeting of welcome to John Burns and R. B. Cunninghame Graham, M.P. (the Scottish laird elected to parliament for North-west Lanark in 1886 as a Scottish Land League candidate) on their release from Pentonville[6] after six weeks' imprisonment for the part they had taken in the disturbances of 'Bloody Sunday' (13 November 1887).[7] When at this point Parnell tried to persuade Davitt to enter parliament, Davitt suspected that the liberals were trying to muzzle him on the social question.[8]

[1] See C. H. D. Howard, 'The Parnell manifesto of 21 November 1885 and the schools question', *Eng. Hist. Rev.*, lxii (1947), 42–51.

[2] According to Wilfred Scawen Blunt (*The land war in Ireland* (1912), p. 93), he described himself in May 1886 as a 'Christian socialist'.

[3] Davitt to McGhee, 10 Feb. 1886.

[4] Hyndman, *Record of an adventurous life*, pp. 400–7; G. D. H. Cole, *John Burns* (1943), pp. 10–11.

[5] Blunt, *Land war*, pp. 250–1.

[6] Davitt's diary, 18 Feb. 1888; *Pall Mall Gazette*, 21 Feb. 1888; Hyndman, *Record*, pp. 323–4.

[7] See R. C. K. Ensor, *England, 1870–1914*, pp. 180–1.

[8] Davitt's diary, 17–20 Feb. 1888.

The conflict in Davitt's outlook from 1886 was brought home to him by the Mid-Lanark by-election of March-April 1888. This election marked the first attempt of James Keir Hardie, formerly a miner, now secretary of the Scottish Miners' Federation, to contest a seat in parliament; and as he was a known advocate of an independent labour party, though still a liberal, the election was regarded at the time as a test case. To begin with, Hardie offered to stand as the candidate of the Mid-Lanark Liberal Association,[1] and McGhee and Ferguson were quick to enlist Davitt's support for him. Davitt spoke on home rule at a St. Patrick's day meeting in Glasgow on 19 March, Ferguson presiding, at which Hardie, who was one of the platform party, was warmly commended by Cunninghame Graham and announced his intention of fighting Mid-Lanark as a labour candidate.[2] Davitt went on to London to interest Parnell in Hardie's candidature, and found Parnell, with his eye on the next general election, anxious not to antagonize labour voters (as he had done in 1885), but still more anxious not to stampede the timid, monied element in Gladstone's following. Davitt also spoke on Hardie's behalf to Schnadhorst, the chief organizer of the National Liberal Federation, who argued that to adopt Hardie as the official liberal candidate would mean losing a seat to the conservatives.[3]

Hardie forced the issue by withdrawing his offer to run as a liberal and announcing himself as an independent labour candidate. Parnell hoped that Hardie could be induced to withdraw,[4] and Schnadhorst visited the constituency to buy Hardie off with the promise of liberal support at the next general election and an assured salary as M.P. Hardie refused to yield, and as a result had to fight not only the liberal but also the home-rule party. For there was a strong Irish element in the constituency, which threw its weight against him, despite the fact that his programme included home rule, that he was supported by Ferguson and Davitt, and that in his argument for a separate party of labour he actually invoked the example of Parnell and the Irish party.[5] He was

[1] W. Stewart, *J. Keir Hardie* (1921), pp. 20–37, 376; Cole, *British working-class politics*, pp. 103–6.

[2] Davitt's Diary, 18–19 Mar. 1888; *North British Daily Mail*, 20 Mar. 1888.

[3] Davitt to McGhee, [Mar. 1888].

[4] Parnell to Davitt, 20 Apr. 1888.

[5] *Keir Hardie's speeches and writings*, p. 8; *Labour Leader*, 1 June 1906.

heavily defeated by the liberal candidate in a three-cornered fight, but out of the episode there emerged the Scottish Labour Party, with Cunninghame Graham as president, Hardie as secretary, John Ferguson as one of its vice-presidents, and many former Scottish Land Restoration Leaguers, headed by Shaw Maxwell, John Murdoch and Bruce Glasier, among its members.[1] Davitt, commenting on the attitude of the home-rule press to Hardie, wrote:

> It would be better, I admit, . . . not to divide liberal constituencies now upon the issue of direct parliamentary representation. . . . It must be preceded by organization adequate to the work of substituting, and paying for, men from the industrial ranks for M.P.'s who belong to the 'upper' classes. But it is quite another thing to assail English or Scotch working-men with bitter abuse for daring to run an issue of their own across the path of home rule. It will be remembered by Scotch working-men (who were home-rulers before Gladstone) that Irish M.P.'s were sent from London to oppose the labour candidate.[2]

Between September 1888 and November 1889 Davitt's energies were absorbed by the tremendous ordeal of the *Times*-Parnell commission, from which he emerged to find McGhee and a fellow-Ulsterman, McHugh, actively engaged in the great trade-union uprising of the dockers. Fresh from founding a dockers' union at Glasgow, these two extended their efforts to Liverpool, where conditions resembled those that had provoked the great strike of the London dockers (August-September 1889). 'The poor capitalists of Liverpool are in for a bad time', Davitt wrote to McGhee,[3] but the dockers themselves were reduced almost to starvation by a seven weeks' strike before both sides agreed to accept Davitt's mediation.[4] The strike ended with some small concessions to the men. Davitt was now much concerned about the condition of agricultural and other labourers in Ireland itself —'we are lagging in the rear of the liberal party instead of being in the vanguard of social reform'.[5] In conference with labour

[1] Stewart, *Hardie*, pp. 37–45; Cole, *British working-class politics*, pp. 106–7.
[2] Davitt to the *Melbourne Advocate*, 26 April 1888.
[3] Davitt to McGhee, 28 Nov. 1889.
[4] *Sir James Sexton, agitator: an autobiography* (1936), pp. 93–6.
[5] Davitt's diary, 2 Jan. 1890.

representatives at Cork he laid the basis of an Irish Democratic Labour Federation on 21 January 1890. This was looked upon with suspicion by the parliamentary party and elicited some revealing comments from Parnell:

> I don't approve of your labour organization . . . What do labourers and artisans want that we cannot obtain for them by the efforts of the National League . . .? What is trades-unionism but a landlordism of labour? I would not tolerate, if I were at the head of a government, such bodies as trade unions. They are opposed to individual liberty and should be kept down, as Bismarck keeps them under in Germany. . . . Whatever has to be done for the protection of the working-classes . . . should be the duty of the government, and not the work of men like John Burns. . . . You are overlooking Mr. Gladstone's position and difficulties . . . Your new labour organization at Cork will frighten the capitalist liberals and lead them to believe that a parliament in Dublin might be used for the purpose of furthering some kind of Irish socialism.[1]

Though far from unmindful of Gladstone's difficulties, Davitt next embarked on the adventure—long contemplated—of a penny weekly newspaper, the *Labour World*, 'a journal of progress for the masses'.[2] Produced in London and intended for popular consumption throughout the British Isles and beyond, it made a remarkably good start in September 1890. Press comments were generally friendly and over 60,000 copies of the second issue were ordered.[3] Its contents and policy reflected Davitt's own political outlook. It was not addressed primarily to Irish readers, and its main emphasis was on labour interests. While taking an independent line in politics and by no means tender towards liberal shortcomings, it was lib.-lab. rather than socialist in sympathy. Well produced, competently written, covering an impressive variety of subjects, it had no rival in its own particular field: Keir Hardie's *Labour Leader* and the *Clarion* of Robert Blatchford and A. M. Thompson were not yet launched. But the *Labour World* could not have succeeded under Davitt.[4] He was tempera-

[1] Davitt, *Fall of feudalism*, p. 636. Davitt is the only authority for this statement, but he says that it is transcribed from notes made at the time and he was a singularly truthful man.

[2] Cf. above, p. 60.

[3] Davitt to McGhee, 4 Oct. 1890.

[4] Hyndman, *Further reminiscences*, p. 44.

mentally unfitted to the grind of a newspaper office, and after four months his health broke down. He had staff difficulties from the outset and his printers gave him ironical experience of 'the tyranny of trade unionism'.[1] The capital that a few English supporters were able to raise proved insufficient. In less than eight months he was obliged to resign the editorship, whereupon the paper collapsed.[2] Its place in the history of working-class journalism has yet to be assessed.

When the O'Shea divorce broke upon the public in November 1890, Davitt was the first of Parnell's colleagues to demand his retirement, and he did so quite independently of Gladstone and the Irish Catholic prelates. In the disruption that followed he worked hard to rebuild a strong national party out of the majority who turned against Parnell; and regarding the handful of Parnellites as irresponsible factionists, he felt obliged to take a share in the parliamentary fight against them. Parnell's tragic death in October 1891 only sharpened the embitterment between the two groups. Davitt successfully contested North Meath in the general election of July 1892, and, being unseated on petition, was returned unopposed for North-east Cork. His entry into parliament coincided with the return of the liberals to office, with a narrow majority, under Gladstone, pledged to a second attempt to carry home rule, in circumstances less favourable than those of 1886. Their 'Newcastle programme' was a disappointment to the working-class supporters of the liberals, and even within the party critics were asking whether it was wise to go on subordinating social reform to home rule.[3] Pioneers of independent labour action were arguing that home rule was being skilfully used to distract attention from working-class grievances,[4] while Chamberlain was trying to enlist working-class support for his liberal unionism by a labour programme intended to rival that of the liberals.[5] These factors combined to commit Davitt to the liberal alliance more deeply than at any other time: his position was symbolized by the friendly and confidential relationship that

[1] Davitt to McGhee, 4 Oct. 1890.

[2] Correspondence between Davitt, D'Arcy Reeve, T. F. Walker, William Saunders, Charles Diamond and others, 1890–2.

[3] Davitt to *Melbourne Advocate*, 4 May 1892.

[4] Cunninghame Graham in *Labour World*, 11 Oct. 1890.

[5] Davitt to *Melbourne Advocate*, 20 Oct., 3 Nov. 1892.

subsisted between him and John Morley as chief secretary for Ireland throughout the liberal régime of 1892–5.

Davitt occupied a more influential position in the majority party than he had done in the party under Parnell, and this enabled him to obtain official though reluctant sanction for a policy of direct labour representation in Ireland. In preparation for the general election of 1892, he recommended seven labour men as labour-nationalist candidates for Irish constituencies.[1] Two of these nominees, Michael Austin and Eugene Crean, were returned at the general election. This was the election in which Keir Hardie, John Burns and Havelock Wilson won seats as 'independent' labour members.[2] Davitt regarded Burns and Wilson as reliable on the home-rule issue and had helped to secure their election.[3] He had been friendly with Burns for some years and thought him the strongest of the labour leaders.[4] Hardie, on the other hand, now appeared to Davitt as a danger to home rule. Along with Cunninghame Graham and others, Hardie had declared war on the liberals, and Davitt greatly feared the outcome in those constituencies in Britain which the liberals held by slender majorities: without any hope of returning their own candidates, the independents could ensure liberal defeat. At Newcastle-on-Tyne, in the general election, the independents had urged labour electors to vote with the conservatives against John Morley, the liberal candidate, because Morley was opposed to the eight hours' bill. The result, in a two-member constituency, was the return of the conservative candidate at the head of the poll and of Morley's liberal colleague at the foot. Morley had to seek re-election on his appointment to the Irish Office. Hardie, Graham and Champion made a determined effort to defeat him, and Davitt as determinedly campaigned in his favour, insisting that the eight hours' bill, over which working-men were themselves divided, was not the issue in the election, but that the issue was home rule. The contest was the more embittered because Champion was believed to be subsidizing the independent effort with 'tory gold'. But Morley won by a handsome majority. To Davitt, Hardie and his friends were now stamped as an arrogant and unscrupulous

[1] Davitt to McGhee, 5 Feb. 1892.
[2] Cole, *British working-class politics*, pp. 267–8.
[3] Schnadhorst to Davitt, 9 Nov. 1890; Davitt to McGhee, July 1892.
[4] Davitt to *Melbourne Advocate*, 3 Nov. 1892.

faction, spiritually akin to the handful of Parnellites or to such troublesome egoists in the majority party as Tim Healy. Davitt believed Hardie to be honest and unselfish in his advocacy of the workers' rights, but an ambitious man, out 'to boss the labour movement', without having the necessary ability and force of character.[1]

This remained Davitt's attitude to Hardie till near the end of the century, despite the fact that Hardie voted with the liberals for the second home-rule bill. The killing of that measure by the Lords (September 1893) only intensified Davitt's attachment to the liberals, to whom he looked for the abolition of the 'den of land thieves'.[2] When Bernard Shaw and Sidney Webb, in the name of the Fabian Society, made a slashing indictment of the liberals for the bankruptcy of their social policy and called on the working-classes to abandon liberalism (November 1893),[3] Davitt rushed to the defence of the government and counter-attacked the Fabians, who had announced that they did not 'care a dump' for home rule. 'Not one of the recognized leaders of the labour movement has ever tried to put political enmity between the labour cause of Great Britain and that of home rule. This task has been taken up by the Fabian Society, among the leading members of which there is not a single *bona fide* working man.' The spread of collectivist ideas among the British working-classes was due not to the Fabians but to the Social Democratic Federation, whose members were mostly working-men. It was from them that labour had obtained 'its ablest and most trusted leaders in the persons of John Burns, Tom Mann, Ben Tillett'.[4]

This reference to Mann and Tillett is rather surprising, for these two were Hardie's close allies in the I.L.P.[5] When, in February 1894, a leading nationalist suggested that Davitt should 'have it out with' the I.L.P., Davitt refused. The right method, he noted in his diary, of combating this party was by exerting

[1] Davitt to McGhee, 12 April, 12 March, 21 July, 7 Aug., 2 Sept. 1892, 30 Aug. 1895; Davitt to *Melbourne Advocate*, 14 April, 19 Aug., 1 Sept., 6 Oct. 1892; *Pall Mall Gazette*, Aug. 1892; J. Morley, *Recollections* (1917), i. 325–7.

[2] Davitt's diary, 14 Feb. 1894.

[3] *Fortnightly Review*, Nov. 1894; Pease, *History of the Fabian Society*, pp. 115–17; Beatrice Webb, *Our partnership* (1948), pp. 109–14.

[4] *Nineteenth Century*, Dec. 1893, p. 855.

[5] Stewart, *Keir Hardie*, pp. 83–4.

pressure in weak-kneed liberals to go forward with progressive measures.

> I object to the Irish movement being placed as a buffer interest between the liberal party and the labour movement. . . . We are an advanced as well as a home rule party. . . . I believe Keir Hardie and Co. are secret enemies of the home rule cause. . . . But we can neutralize their opposition . . . by a progressive programme—payment of members and election expenses, state ownership of minerals, municipalization of land, eight hours, taxation of land values, abolition of the House of Lords.[1]

Ferguson and McGhee shared Davitt's opinion of the I.L.P., and Davitt joined Ferguson in opposing Hardie's nominee, Robert Smillie, for Mid-Lanark in a by-election of March-April 1894.[2] The liberal candidate won easily, and Hardie, who regarded him as peculiarly undesirable, commented: 'In the readiness of the Irish to do the dirty scavenging work of the liberal party lies the real danger to the home-rule cause.'[3] On the other hand, in the more crucial by-election in the Attercliffe division of Sheffield (June-July 1894), where an I.L.P. candidate, Frank Smith, took the field after the liberals had brushed aside the choice of the local trades council, Davitt openly condemned the liberals, and condemned still more his own party for sending M.P.'s to help the official liberal candidate. John Burns took the opposite view, but Davitt considered that the conduct of the liberals at Attercliffe was 'a dirty trick engineered by . . . wealthy liberals who are resolved not to allow another labour M.P. into the house if they can help it'.[4]

Hardie's attitude to Davitt involved no less misunderstanding than Davitt's to Hardie. Hardie regarded Davitt's conduct to Parnell in the divorce crisis as an unscrupulous and malicious attack on the one man who had proved himself capable of leading the Irish nation out from the morass of party politics on to the firm rock of national independence.[5] 'The same uncompromising

[1] Davitt's diary, 11 Feb. 1894.
[2] *Ibid.*, 27–31 March 1894; Stewart, *Keir Hardie*, p. 85.
[3] *Labour Leader*, 7 Apr. 1894.
[4] Stewart, *Keir Hardie*, pp. 95–7; Davitt's diary, 25–6, 28–9 June, 6 July 1894.
[5] *Ibid.*, 4 Nov. 1899.

devotion to an ideal and contempt for the mud-slinging, vote-hunting politicians, which won for Parnell the affection of the people of Ireland, will win support for the labour movement.'[1] The parallel was rich in irony for Davitt. In the general election of July 1895, which drove the liberals from power, Hardie owed his defeat in south-west Ham in part to the hostility of the Irish voters, encouraged by the local Catholic clergy. Commenting sadly on the ingratitude, as well as the absurdity, of Irish workingmen helping to unseat him in favour of a tory, he excepted from his strictures that section of the Irish who remained true to the memory of Parnell.[2] This was just the note most certain to perpetuate Davitt's worst suspicions, though he was not directly involved in the 1895 election. What a pity, he wrote to McGhee, that Redmond (the Parnellite leader), Hardie and Healy did not enter into political partnership. 'For monumental egoism and political cussedness I question whether any other people can equal these products of Ireland and Scotland.'[3] Hardie, on the other hand, in his remarkable manifesto of 1897, *Young men in a hurry*, coupled Davitt with Bradlaugh and Burns as men who could have led the democracy of Britain whither they would, but who had succumbed to the seductions of the liberal party and had thereby lost their terrors for the oppressors of the people.[4]

A profound change, however, took place in the relations between the two men between 1897 and 1905, due partly to Davitt's growing disappointment with the liberals, partly to the reunion of the Parnellites with the main body of the nationalists (1900), still more, perhaps, to the broadening of the I.L.P.'s basis of action through the institution of the Labour Representative Committee (1900), but also to a certain untamable quality in Davitt that made it quite impossible for him ever to become the extinct volcano of Hardie's imagination. The Boer war proved an irresistible challenge to his fighting spirit. None of the public men who withstood the imperialist tidal-wave of that time went so far in his protest as Davitt: he withdrew dramatically from parliament, swearing that he would not purchase even an Irish republic at the price of giving one vote against the liberty of the republics

[1] *Keir Hardie's speeches and writings*, p. 38. [2] *Ibid.*, pp. 47–8.
[3] Davitt to McGhee, 30 Aug. 1895.
[4] *Keir Hardie's speeches and writings*, pp. 75–8.

of South Africa,[1] and went out to the war-front to identify himself as a journalist with the cause of the Boers.[2] This gesture elicited a rather grudging approval from Hardie,[3] which proved to be the beginning of a better relationship. By May 1905 the mutual antagonism between the two men had gone. Davitt had appealed at Glasgow for a policy of cooperation between nationalists and the labour party in the next general election, and Hardie had warmly responded. 'The strength of the enemies of Ireland in this country', he wrote,

> has lain in the way they have been able to excite the distrust and passion of the British workmen against their Irish fellows, and nothing will more surely break down this distrust . . . than for the two sections to be brought into harmonious relationships by working together at an election. In the last resort it is to the common people of Great Britain that the Irish people must look for . . . an effective measure of home rule.[4]

It was in this spirit that Davitt embarked on his last campaign. A series of meetings in the London area, in December 1905, at which he spoke for John Burns at Battersea and for Will Thorne at Stepney, formed the preliminary to a phenomenal burst of eve-of-the-poll speeches delivered during the first fortnight of January in the midlands, South Wales, Lancashire and Yorkshire. The candidates whom he thus supported included Bruce Glasier (Birmingham), Hardie (Merthyr), Clynes and Kelley (Manchester), Hyndman (Burnley), Hudson (Newcastle), Jowett (Bradford), Ramsay MacDonald and Broadhurst (Leicester), and O'Grady (Leeds).[5] Davitt's campaign as a whole had three dominant characteristics. First, while the large majority of the candidates he supported were officially sponsored by the L.R.C., the two extreme wings of the labour movement were represented by Burns and Broadhurst on the right and Hyndman on the left. It was a condition of Davitt's backing of the L.R.C. candidates that he should be free to support these two extremes. Hyndman's case produced a strained situation with the Irish party, for the Irish electors in Burnley were strongly opposed to the father of

[1] *Freeman's Journal*, 20 Oct. 1899.
[2] See his *Boer fight for freedom* (1902).
[3] *Labour Leader*, 4 Nov. 1899.
[4] Hardie to Davitt, 4 May 1905.
[5] Davitt's diary, Dec. 1905, Jan. 1906; local newspapers.

the S.D.F. and wanted the party's endorsement for the liberal candidate. But Davitt was so determined about Hyndman, who had been a steady friend of Ireland for twenty-five years and had been contesting Burnley since 1895, that he threatened to resign from the nationalist party if the executive took any action hostile to Hyndman. Redmond agreed to remain neutral.[1] Secondly, Davitt took up an advanced labour position, without committing himself to socialism, and combined this with advocacy of home rule. The working-men of Britain, he contended, were many years behind the Irish peasantry in sending representatives of their class to parliament. Landlords and lawyers still occupied 570 seats out of 670, while the 36,000,000 British workers had only 15 direct representatives. It was time the British workers followed the example set them in Ireland since 1880. Labour had everything to gain from a settlement of the Irish question that would create the conditions of friendly and self-respecting relations between the two countries. Men like Chamberlain wanted to keep the home-rule question fermenting at Westminster as a perpetual distraction from the real problems of British life.[2] Thirdly, against the efforts of the Catholic hierarchy in England and Ireland to make the education question a vital issue wherever the Irish vote was involved, Davitt bluntly contended that, in general, schools supported out of public funds ought to be undenominational and that the particular question of Catholic schools in England was not an issue in the election. The Irish leaders, he considered, had gone wrong on this matter, and instead of trusting the people had played the game of English Catholic aristocrats like the duke of Norfolk.[3] For this attitude, Davitt was furiously assailed after the general election by the Catholic bishop of Limerick and the Catholic archbishop of Dublin, and he was battling with these formidable adversaries when he was struck down by the illness that killed him on 30 May 1906: but not before he had the satisfaction of taking part in the great victory demonstration of the Labour Party in the Queen's Hall on 16 February 1906.[4]

[1] Correspondence between Davitt, Hyndman, Redmond, J. S. Middleton and others, Jan. 1906.

[2] *Birmingham Express*, 4 Jan. 1906; *Merthyr Express*, 13 Jan. 1906; *Leicester Pioneer*, 20 Jan. 1906. [3] *Merthyr Express*, 13 Jan. 1906.

[4] Davitt's diary, 14–16 Feb. 1906; *Labour Leader*, 23 Feb. 1906.

The assessment of Davitt written after his death by Keir Hardie is doubly appropriate by way of conclusion, in view of all that had passed between these two men, so alike in their essential virtues and their essential greatness:

> It would be vain for us to attempt to say here how much Ireland and the cause of democracy in this country owes to the work and spirit of the 'one-armed friend of humanity' who is gone. He was the founder and chief of the Irish Land League, and he brought into Irish politics the new spirit of internationalism and of labour and social emancipation. . . .
>
> Unlike many patriots and many great politicians, his heart was wholly with the common people of his country. Ireland's cause was no mere political banner to him. His Ireland was the actual flesh and blood Ireland—the poor and the oppressed. He himself was of the poor, and his heart was with them in their poverty, their ignorance, and their many misfortunes. He was not able to win the land of Ireland for the Irish nation, but at least he destroyed the old alien landlordism, taking it by the very throat and strangling it.
>
> He was a thoroughly good and great man. . . . He was not afraid of new ideas. At his last meetings in behalf of the labour candidates in England, he spoke cheerfully of socialism, and he did not hesitate to avow himself in favour of secular education. . . .
>
> The people of Ireland owe more to him than to any of the rebel chiefs of their race. . . . And we also honour his work and his memory affectionately, and in the name of the Independent Labour Party and the socialist and labour cause we record our deep gratitude to him and our sympathy with the people of Ireland in the loss of one of the greatest of their sons.[1]

[1] *Labour Leader*, 8 June 1906. The article is unsigned, but it appears in the leader page and its style and tone are entirely Hardie's; cf. Hardie to David Davies, 3 Jan. 1906, *Merthyr Express*, 13 Jan. 1906.

# SCOTTISH RULERS AND THE RELIGIOUS ORDERS 1070–1153

*The Alexander Prize Essay*

By G. W. S. Barrow, M.A., B.Litt.

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THE impetus given by Queen Margaret to the process by which the older Scottish church was transformed into the medieval *Ecclesia Scotticana*, and the prodigality of her youngest son, King David I, to a wide variety of religious orders, were prominent aspects of what was really a family enterprise. The establishment of English and continental monks and canons north of the Scottish border in the late eleventh and early twelfth centuries was in strikingly full measure the exclusive work of the royal house, a work, moreover, which the ruling members of this house seem to have undertaken with a conscious sense of dedication and unity of purpose. From the time of Queen Margaret to the death of King David, with the probable exception of the years from 1094 to 1097 when Donald Bán was leading an anti-foreign reaction, there was complete continuity in the encouragement shown to the foreign religious orders. In this essay it is proposed to examine the reception by these Scottish rulers of the main currents of western monasticism, and to discuss in detail some of the significant ways in which they were able to draw upon their connexions outside Scotland in order to reproduce within their own kingdom a pattern, albeit on a small scale, of the religious life which was a feature of contemporary England and France.

When, *c.* 1070, the English Margaret became Malcolm Canmore's queen, there was, as far as we know, nothing in Scotland resembling at all closely the type of monastic or regular life generally familiar in the west. This fact must have struck Margaret forcibly and unfavourably. She was far from being a bigot, and

could appreciate religious merit even among the native Scots.[1] But her origins and upbringing meant inevitably that for her the ideal of the Christian life was approached most closely not only by an adherence to the accepted laws of the church as a whole but more especially by the revived and reinvigorated religious life, following the rule of St. Benedict, which was a feature of the English church in the years after the Conquest.

It is natural therefore to find that the first phase in the process of introducing non-Celtic monasticism into Scotland began as soon as Queen Margaret could make her influence felt there, and was connected with two of the leading English centres of the new monastic movement, Durham and Canterbury. The connexion between Durham and the Scottish ruling house certainly dates from Margaret's time, though the establishment of a daughter-house of Durham within the Scottish kingdom, which might have been expected then, was not effected until considerably later. The first attempt, indeed, at a colonization from Durham[2] was a complete failure. In the seventies of the eleventh century, the religious life had been revived with striking success at a number of places in Northumbria by a group of devoted men under the leadership of Aldwin, a monk of Winchcombe, and Thurgot, an Englishman from Lincolnshire, who became successively priors of the newly-refounded monastery of Durham.[3] At this period, Teviotdale, by which we must understand a district wider than the valley of the Teviot merely, and embracing the lower valleys of Tweed, Yarrow, Ettrick and Jed, lay within the ecclesiastical jurisdiction of the bishop of Durham, although politically it was part of the Scottish kingdom. Moreover, the church of St. Cuthbert had a special claim to the site of the saint's old abbey at Melrose, at that time an uninhabited wilderness. Aldwin and Thurgot (the latter not yet actually a monk) went to Melrose, *c.* 1075, and began to follow the religious life there in solitude. Thurgot could not then have had Queen Margaret for a patroness, for when he and

[1] *Vita S. Margaretae*, by Thurgot, ed. G. H. Hinde (Surtees Soc., li), p. 247; Sir A. C. Lawrie, *Early Scottish Charters* (hereafter cited as *E.S.C.*), No. 8.

[2] This proleptic use of 'Durham' seems justified because Aldwin and Thurgot were associated with Bishop Walcher, and their revival of northern monasticism shortly came to fruition at Durham.

[3] D. Knowles, *Monastic Order in England*, pp. 164–71. Aldwin and Thurgot were priors of Durham 1083–7, 1087–1107.

Aldwin refused to make a declaration of allegiance demanded by King Malcolm they were forced to leave Scottish soil.[1] Later, however, Thurgot became closely associated with Queen Margaret as her spiritual confidant.

In his biography of the queen, Thurgot says that she founded a church at the place where she was married to King Malcolm, that is, at Dunfermline. A letter of David I written probably in 1128, and until recently unknown,[2] shows that the church of Dunfermline was a daughter-house of Christ Church, Canterbury, and thus must have been the product of the cooperation between Margaret and Lanfranc of which there is clear evidence in a letter of the archbishop, of uncertain date, which has been printed by several authorities.[3] Nearly all the members of the Scottish royal family, with the significant exception of Donald Bán, are named as previous benefactors to Dunfermline in the charter of privileges given by King David, *c.* 1128,[4] when a new and bigger church was begun, and the priory raised to abbatial status.

The date of the founding of Holy Trinity or Christ Church, Dunfermline, as a daughter-house of Holy Trinity or Christ Church, Canterbury, and the dates of Thurgot's setback at Melrose and his subsequent personal association with Margaret are all uncertain. Probably the Canterbury connexion began first. Certainly it was Canterbury that provided the first religious house of the new type in the Scottish kingdom, and this moreover was in Scotland proper, the country north of the Forth, and not in Scottish Northumbria. It is possible that the Canterbury monks serving Queen Margaret's new church were driven out by Donald Bán[5]; this, if true, might explain why Edgar—the first of Margaret's sons to become king of Scotland—asked Archbishop Anselm to send him monks from Canterbury,[6] though, of course,

[1] Simeon of Durham, *Opera*, ed. T. Arnold (Rolls Series), i. 111–12.

[2] This letter, from a fifteenth-century copy at Canterbury (Dean and Chapter MSS., Reg. B, fo. 305), was printed, with a discussion of its significance, in the *Scottish Historical Review*, xxxi (1952), pp. 18–28.

[3] E.g., *E.S.C.*, No. 9; A. Haddan and W. Stubbs, *Councils and Ecclesiastical Documents*, ii, Part I, pp. 155–6.

[4] *Registrum de Dunfermelyn* (Bannatyne Club), No. 1. Also omitted are the names of the two eldest sons of Malcolm and Margaret, Edward (killed 1093) and Edmund (who may have supported Donald Bán; cf. William of Malmesbury, *Gesta Regum* (Rolls Series), ii. 477).

[5] Simeon of Durham, ii. 224.

[6] *E.S.C.*, No. 25.

the Dunfermline convent might have needed replenishing from other and more natural causes.

It was Edgar who effectively resumed the connexion with Durham, naturally enough, since its prior was his mother's former associate, became in this period her biographer, and was doubtless well known to him.[1] *C.* 1098, he gave to St. Cuthbert and the monks of his church the land of Coldingham, north of Berwick.[2] This grant was followed by others, so that the Durham monks soon possessed in Lothian a large and profitable estate.[3]

Since the time of Andrew of Wyntoun, Edgar has often been called the founder of Coldingham Priory. No less an antiquary than Canon Raine, the elder, who perhaps knew more about Coldingham and its priory than any man before or since, stated categorically that 'the Priory of Coldingham was founded by Edgar, King of Scotland, in the year 1097 or 1098, and attached to the Convent of Durham as one of its cells'.[4] Without doubt, this Scottish daughter-house of Durham resulted from the necessity of sending monks from the cathedral priory to take charge of its rather distant Scottish estates. But the emergence of Coldingham as an organized religious house under a prior can hardly date much before 1140. Edward, the 'monk of Coldingham', who in a terse writ of before 1136 was ordered by King David to supply enough of his logs to make a woodpile for the king at Berwick, and on whose behalf the king commanded the sheriff of Berwick to give him possession of the tithes of a fishing in the Tweed,[5] seems to have been more probably the Durham monk in charge of the manor of Coldingham than a subordinate member of a religious community there. In 1139, however, and again *c.* 1140–1, King David and his son Earl Henry speak of the monks serving the church of Coldingham,[6] and, *c.* 1147, appears the name of H(erbert), prior of Coldingham, the first in record.[7] Many Scottish

[1] Thurgot was instructed by Queen Margaret to take charge of her children (*Vita*, ed. Hinde, p. 251).

[2] *E.S.C.*, Nos. 18 and 19.

[3] It is possible that Duncan II was a benefactor to Durham; *Liber Vitae*, ed. in facsimile by A. Hamilton Thompson (Surtees Soc., cxxxvi), fo. 12v.

[4] *History of North Durham* (1852), p. 374.

[5] *E.S.C.*, Nos. 174 and 154. The fishing was named Halwarestelle, which seems to show that it had belonged to St. Cuthbert's Land from earlier times.

[6] *E.S.C.*, Nos. 121 and 133.

[7] *Ibid.*, No. 182; the 'H' of this charter was presumably the Herbert whom Raine gives as the first prior in *Priory of Coldingham* (Surtees Soc., xii), p. xvi.

endowments were made to Durham Priory during these years, among them the church of St. Mary in Berwick, which King David granted in exchange for the church of Melrose, which had belonged to Durham, but which after April 1136 went to the white monks of Rievaulx.[1] In short, Coldingham Priory cannot be assigned to a single founder, though it grew from Edgar's gift.[2]

No doubt Thurgot, while he was holding the unusual dual office of prior and archdeacon of Durham, was also well known to King Edgar's younger brother Alexander. Under Edgar, Alexander held wide lands in the south of Scotland, and his expectation of the Scottish throne must have been quite apparent, since Edgar never married, and had no children. With Thurgot and a number of prominent churchmen, Alexander was present at Durham in 1104, when he had the honour of being the only layman to take part in the official examination of St. Cuthbert's body before its translation.[3] It is not surprising that when Alexander succeeded his brother as king of Scots in 1107, he turned to Thurgot for help in the reform of the Scottish church. After negotiations with Henry I and Archbishop Thomas of York, Thurgot was appointed bishop of the Scots (or bishop of St. Andrews), being consecrated in 1109.[4]

The presence of a Benedictine monk and a leader of monastic revival at the head of the Scottish church might have been expected to produce an extension of Benedictine monasticism in the northern kingdom, but this did not come about. It must be remembered that Bishop Thurgot, in any case an old man, found his new position extremely difficult. It is true that Durham's possessions were confirmed, and that the king, and his queen Sibylla (a bastard daughter of Henry I), made benefactions to the Canterbury monks of Dunfermline Priory, as had King Edgar before them.[5] But it is interesting to see that King Alexander's share in the introduction into Scotland of the orders of regular clergy already familiar in England embraced exclusively the canons fol-

Dr. W. D. Simpson errs in speaking of Simon as first recorded prior, in 1141 (Scottish Ecclesiological Soc. *Transactions*, xiv, Part II (1950), p. 30).

[1] *E.S.C.*, No. 99 (probably *c.* 1136).

[2] Lawrie seems to have been the first to make the point that Edgar was not the founder of Coldingham Priory; *E.S.C.*, p. 251.

[3] Simeon of Durham, i. 258.

[4] *Ibid.*, ii. 204; J. Dowden, *Bishops of Scotland*, pp. 1–2.

[5] *Reg. de Dunfermelyn*, No. 1.

lowing a regular, quasi-monastic life, who at this period were already beginning to be distinguished as 'Augustinians'. The Austin canons took an early and important lead in bringing to the north of England the new currents of religious life which had originated chiefly on the continent. As we may learn from Mr. Dickinson's recent study, their success in the north was due very largely to the patronage extended to them by the two successive archbishops of York, Thomas II, who first instituted regular canons in the ancient church of Hexham (1112), and Thurstan, who was the especial patron of the Austin priory of St. Oswald at Nostell.[1]

Alexander was evidently well aware of these new developments. In the north of England, the great feudatories, and even some of middle rank,—Walter de Gant, Walter Espec, Robert de Lacy, Robert Brus of Cleveland, and others—could give a lead in this founding of houses for Austin canons; in Scotland, such a lead must come from the king. The native clergy do not seem to have been at all moved by the advance of the Gregorian reform, and both clergy and magnates tended to be actively hostile to the advent of foreigners in any guise. King Alexander's predilection for the regular canons resulted in the actual establishment of one Augustinian community (Scone), and the projected establishment of three others (Inchcolm,[2] Loch Tay, and St. Andrews). These foundations were all in Scotland north of Forth, and two of them were extremely important. Why King Alexander chose St. Oswald's, Nostell, as his source for obtaining these missionary priests is not known, but the project was doubtless carried out with the help and approval of Archbishop Thurstan, who from the time of his consecration if not earlier was a close friend of the

[1] J. C. Dickinson, *The Origin of the Austin Canons and their introduction into England* (1950), pp. 116, 120. The community which by 1120 had become the Austin priory of St. Oswald had earlier received the support of Archbishop Thomas II (d. 1114); W. Farrer, *Early Yorkshire charters*, iii. 160.

[2] The authorities for Alexander I being the founder of Inchcolm are John Fordun, *Chronica Gentis Scotorum*, ed. W. F. Skene (1871), i. 227, and Walter Bower (*Scotichronicon*, ed. W. Goodall, i. 286–7). It is clear, however, partly from Fordun, *loc. cit.*, but chiefly from a document printed by Dr. Easson, *Inchcolm Charters* (Scottish History Soc., 1938), No. I, that the original endowment was held in trust until canons could be established on Inchcolm, and that this probably did not take place until after the end of David's reign. I have therefore not discussed Inchcolm in this essay.

canons of Nostell.[1] Moreover, the first prior of Nostell, Athelulf or Athelwold, was, like Thurstan, a royal chaplain,[2] and a cleric of outstanding ability. Whatever the reason, it was to canons from Nostell, under their leader Robert, that the king made over the ancient church of Scone in Gowrie, at the heart of the old Scoto-Pictish kingdom, a site associated from immemorial time with political and religious solemnity.[3] We can hardly over-emphasize the significance of King Alexander's action in bringing to serve its church members of an order of priests who represented the very vanguard of the Gregorian reform and of the new ideas at work in the western church.

It is unfortunate that the date of this mission—for as such it must have been regarded—from Nostell to Scone cannot be fixed with certainty. The early addition to the original text of the Melrose Chronicle which tells us that 'the church of Scone was handed over to canons' was entered at the year 1115.[4] The *Scotichronicon* says that the priory church of Scone was dedicated by Thurgot, bishop of St. Andrews, and he left Scotland for good during 1115.[5] The evidence regarding Nostell, reviewed most recently by Mr. Dickinson, seems to show that 1115 is too early by some years for the founding of Scone; the most probable date is nearer 1120.[6] The priory was certainly in being in the period 1122–4, when the king granted to its canons the island at the mouth of Loch Tay where Queen Sibylla had died (1122),[7] the intention being that the canons should build a church there and serve it 'in the habit of religion'. Of this proposed daughter-house of Scone nothing more is known, at least in the twelfth century.

Important as it was, Scone was not the chief ecclesiastical centre of Scotland. To King Alexander must go the credit of making the first moves not only to establish at St. Andrews a bishop consecrated according to the accepted law of the church and amenable to himself, but also to install in the bishop's cathedral church a body of clergy who would symbolize the far-reaching changes being

[1] J. Wilson, in *Scottish Historical Review*, vii. 143.

[2] *Annales Monastici* (Rolls Series), ii. 223.

[3] Wilson, *loc. cit.*, p. 148, prints a charter of King Alexander I (*c.* 1120) which confirms the statement in the *Scotichronicon*, i. 316.

[4] *Chronicle of Melrose* (Facsimile edn., 1936), p. 31.

[5] *Scotichronicon*, i. 286; Simeon of Durham, ii. 205, corrected by Dowden, *Bishops of Scotland*, p. 2.

[6] Dickinson, *op. cit.*, p. 120 and n. 5.

[7] *E.S.C.*, No. 47.

made in the Scottish church as a whole. The Augustinian canons of St. Andrews wrote and preserved an *Historia Fundationis* of their house, whose text (followed faithfully, if selectively, by Wyntoun) has survived, albeit in an unsatisfactory copy.[1] To the author of this narrative, writing before 1152, it was quite clearly Alexander's grant to the church of St. Andrews of the land called the Boar's Raik, 'so that the religious life might be established in that church',[2] that began the long process of founding the Augustinian cathedral priory, which culminated successfully only in 1144. Although not explicitly stated, it is almost certain that the king had Austin canons in mind, for his grants to St. Andrews were probably made shortly before his death in April 1124, and it was in this period that he appointed as bishop of St. Andrews, in succession to the unsatisfactory Eadmer, Robert, the prior of Scone. After a long interval, during which he experienced difficulties first in being consecrated, then in recovering church lands from lay impropriators, Bishop Robert sought the cooperation of Athelulf, the head of the community where he had first entered the religious life. By this time, as the *Historia Fundationis* points out, Athelulf was bishop of Carlisle as well as prior of St. Oswald's. With his help, Bishop Robert brought a canon from Nostell to Scotland to be prior of his proposed cathedral chapter, and this was eventually established (1144) at the instigation of King David.[3] We can see, therefore, that the placing of Austin canons at St. Andrews as the cathedral chapter compares very closely with the creation by Athelulf, 1133–6, of an Augustinian chapter to serve the newly-founded cathedral church at Carlisle.[4]

Earl David, youngest of Malcolm and Margaret's sons, and soon to become king, was associated with his brother in the grant of the Boar's Raik to establish the conventual life at St. Andrews.[5] Since the rest of this essay will be concerned with a discussion of how King David I fulfilled, in superabundant measure, the aims

[1] From the lost Great Register of St. Andrews Priory, in Harleian MS. 4628, printed by Skene, *Chronicles of the Picts and Scots*, pp. 183–93. Internal evidence shows that the narrative of the priory's foundation was written before 1152. For Wyntoun's version, see his *Original Chronicle*, ed. F. J. Amours (Scottish Text Soc.), iv. 372–7, 386–91.

[2] 'ut in ipsa Ecclesia constitueretur religio ad deo deseruiendum', Harl. MS. 4628, fo. 233v; Skene, *Picts and Scots*, pp. 190, 193.

[3] *Ibid.*, pp. 191–3.

[4] Dickinson, *op. cit.*, pp. 246–50.

[5] Skene, *Picts and Scots*, p. 190.

of his mother and elder brothers, it will be useful first of all to present some account of his upbringing, connexions, and activity as a monastic patron in the years before he succeeded to the Scottish throne.

David, born *c.* 1085, a sixth son, with no great expectations, had been brought up, presumably in the period after 1093, in the English court.[1] When Henry I became king of England and married David's sister Matilda, his prospects must have improved; but in the years 1100–14, when he is recorded as a witness to royal acts (e.g., to nine given in Farrer's *Itinerary*[2]), his name appears simply as 'David, the queen's brother', and, at least until 1107, he was not in his own right a baron of great standing. In this year, however, the death of his unmarried brother Edgar, who had apparently bequeathed him a great estate in southern Scotland,[3] must have turned David's attention northward and made the first big improvement in his personal position. A few years later came the second and more momentous change. At the end of 1113, or early in 1114, King Henry gave to David in marriage the Countess Matilda de Senliz, the richest widow in England, whose vast estates straddled the south-eastern midlands, from Northampton to Huntingdon, from Oxfordshire to Leicestershire. This marriage and all these lands came to David with the rank and title of earl,[4] and made him one of the most substantial magnates in the country.

As an immediate result, David now became patron of the

[1] William of Malmesbury, *Gesta Regum*, ii. 476–7.

[2] W. Farrer, *Outline Itinerary of Henry I*, Nos. 120, 127, 129, 131, 173, 176, 195, 196, 197 (in two, simply as 'David').

[3] Ailred of Rievaulx, *De Bello Standardo* (Migne, *Patrologia Latina*, cxcv. 709).

[4] Dr. A. O. Anderson (*Early Sources of Scottish History*, ii. 147, n. 2) gives the two best authorities for the date of David's accession to the earldom, the Anglo-Saxon Chronicle, version H (ed. C. Plummer, i. 244–5), and a charter of Rohais, widow of Richard FitzGilbert of Clare, self-dated 1113, printed by G. Gorham, *History of St. Neots* (1824), ii, pp. cv–cvi, from P.R.O., K.R. Memoranda Roll, 3 Henry IV, Easter Term, ro. 22.

I have not found any certain evidence to support the statements of several historians (quoted in *E.S.C.*, p. 266) that David had the title of earl from 1107 to 1114. He certainly did not have it six months after Edgar's death (Brit. Mus., Royal MS. 11 B ix, fo. 5v; Farrer, *Itinerary*, Nos. 196–7). The reliability of the charter printed by J. H. Round, *Calendar of Documents in France*, No. 1377, is questionable.

Cluniac priory founded at Northampton by his wife's first husband, Earl Simon. In an act which may well belong to the months immediately after David gained his earldom, we find him confirming the monks in their possessions.

> David,[1] by God's grace earl, greets all his faithful men. I wish you to know the joyous tidings that I have granted to the monks of La Charité serving God at (the church of) St. Andrew of Northampton all whichsoever they hold of my fee, in churches, tithes, lands, men, and customs, to be possessed as honourably as they more honourably possessed them on the day on which I came to this honor.

The men who witnessed what may be the earliest of David's recorded acts must have a certain interest for both English and Scottish historians. They included Hugh of Leicester, the sheriff of Northampton, himself the co-founder of another house for Cluniacs of La Charité at Daventry. To this house also, at about the same time, the earl issued his confirmation.[2] But it was the monks of Northampton who were David's special responsibility, 'his own monks', as a contemporary writ of Henry I describes them.[3] The St. Andrew's Priory registers preserve copies of nine writs and charters of David in their favour, chiefly covering the period from 1114 to 1136.[4] It is consequently curious that the first religious house which David founded in his Scottish lands was not for the Cluniacs, but for monks from the austere community at Tiron, near Chartres, only recently brought into being (1109) by the reformer Bernard, who had himself revolted against the domination of Cluny.

[1] Royal MS. 11 B ix, fo. 11r. This charter was omitted by Lawrie from *E.S.C.*, apparently because of his informant's belief, shared incidentally by the compilers of the two Northampton Priory registers, that it belonged to David, earl of Huntingdon, brother of King William the Lion. I have given the text below, Appendix, from the Royal MS. Another copy, with minor differences, is in the later register, Cott. MS. Vespasian E xvii, fo. 10v.

[2] *E.S.C.*, No. 51 (in which the last witness's name should be read *Roberto filio Nigell'*).

[3] B.M., Cott. MS. Vesp. E xvii, fo. 17v (cf. Farrer, *Itinerary*, No. 311). King Henry orders Hugh of Leicester to put the monks of Northampton in possession of land in Stuchbury 'because I wish that Earl David and his monks (*monachi sui*) shall hold as well as his predecessor best held'.

[4] Five are given in *E.S.C.*, Nos. 56–8, 60, 71. The other four are in B.M., Royal MS. 11 B ix, fos. 11r, 12r; Cott. MS. Vesp. E xvii, fo. 63r.

Clearly, among the lay magnates of his time David was exceptionally sensitive to the many fresh and fast-multiplying currents of religious life and thought. The Tironians' austerity of life, and their practice of the skilled crafts, may have attracted David after they had come to his notice through the royal court, for King Henry was by way of being a patron and benefactor to Bernard of Tiron.[1] David may well have heard about Tiron before he gained his earldom. Simeon of Durham says that the Tironians came to England (and to Selkirk) in 1113.[2] But the Tiron connexion cannot have begun much before David became earl, for Geoffrey the Fat's *Life of Bernard of Tiron*, in a passage which seems to embody a nearly contemporary account, relates that David, '(chief) of the men of Lothian and Northampton', earnestly requested Abbot Bernard to send him some monks, whom when they came he endowed with land by the Tweed.[3] Some time later, according to the *Life* (and there seems to be no reason to doubt its substantial truth here, though the statement is unsupported by other evidence and contains an element of confusion), David actually travelled to Tiron to see Bernard, but in vain, for the saintly abbot had died before he arrived. On his return, David took with him to Selkirk a further twelve monks under an abbot.[4] This must have been in 1116 or 1117, and, indeed, it was probably in these years that Ralph, first abbot of Selkirk, was elected to succeed Bernard and was replaced by William (presumably the abbot who accompanied David back to Scotland). William in turn, in 1118, succeeded Ralph as abbot of Tiron, where he ruled for many years.[5] Thus, remote as it was, Tiron's Scottish

[1] Migne, *P.L.*, clxxii. 1424.

[2] Simeon of Durham, ii. 247; cp. *Melrose Chronicle* (Facsimile edn.), p. 31. The colonization of Selkirk, not St. Dogmael's, seems to be meant by this entry.

[3] *P.L.*, clxxii. 1426. Selkirk is some miles from the Tweed, but the early endowments of the monks included land by that river at Melrose (*E.S.C.*, No. 35).

[4] *P.L.*, clxxii. *loc. cit.* The *Life* says that David went to Tiron after he became king, and then brought back twelve monks with an abbot; but probably David made only one journey, *c.* 1116.

[5] Bernard died either in 1116 or 1117 (Anderson, *Early Sources*, ii. 159, n. 3). For the deaths of abbots of Tiron to 1122, see L. Delisle, *Rouleau Mortuaire du B. Vital, abbé de Savigny*, Plate XXXIII. The Melrose Chronicle (Facsimile edn., p. 31) has marginal additions giving the succession of early abbots of Tiron and Selkirk, which put William's translation to Tiron at 1118.

daughter-house provided the parent community with her second and third abbots; and one of the earliest provisions of the Tironian order must have arisen directly out of Abbot William's experience as head of the colony at Selkirk: in 1120 he enacted that Tironian abbots from oversea need attend the annual general chapter only once every three years, foreshadowing a later Cistercian practice.[1]

The second witness to Earl David's charter to Northampton Priory, quoted above, was John, the (earl's) chaplain. This seems to be the earliest recorded appearance of the man who was to have such an eventful and momentous career as bishop of Glasgow. Whether or not John, who was a monk, as well as being David's tutor,[2] had any connexion with Tiron at this time is not known. In 1136, when he had fallen into disgrace with Pope Innocent II because, apparently, he had pushed his opposition to the Archbishop of York's jurisdiction to the extreme length of adhering to the anti-pope, Anacletus II,[3] Bishop John sought refuge from his difficulties by becoming a member of the convent of Tiron.[4] His choice of retreat would seem curious, unless there had been some previous connexion; but the link might have been provided by John's familiarity with the Tironian monks who remained in his diocese at Selkirk until 1128, when they removed to Kelso. The bishop was recalled from Tiron in 1138, and his sojourn there bore fruit in the shape of a grant made to Tiron by King David *c.* 1140; perhaps also the founding in 1144 of a cell for Kelso at Lesmahagow, in the diocese of Glasgow,—for which

[1] J. H. Round, *Calendar of documents in France*, No. 997. Dom Knowles sees in this evidence for triennial general chapters (*Monastic Order*, p. 202, n. 2), but Abbot William's act was surely meant as a concession to distant daughter-houses. Tiron seems to have had an annual chapter (*Gallia Christiana*, ed. 1744, viii. 1261). Cistercian abbots in Scotland were allowed to attend general chapters once every four years by a constitution of 1157 (*Statuta . . . Ordinis Cisterciensis*, ed. J. Canivez, 1933, i. 67).

[2] *E.S.C.*, No. 50.

[3] This is my interpretation of the evidence of Richard of Hexham's statement regarding the Scottish clergy's attitude to Anacletus, *Chronicles of the Reigns of Stephen, etc.*, ed. R. Howlett (Rolls Series), iii. 170, and of the letters of Innocent II to the English archbishops (1136), in *Historians of the Church of York* (Rolls Series), iii, Nos. xlix and l, especially the latter. It is clear from the letters and from *E.S.C.*, No. 141, that John did not leave Scotland until 1136 or after.

[4] *Chronicles of Stephen, loc. cit.*

the king gave credit to the bishop, while the bishop gave credit to the king—resulted from John's stay at the French monastery.[1]

From 1114 to 1124 the number of religious houses with which Earl David was connected, either as a benefactor or in some less direct but nonetheless favourable capacity, was at least nine, and evidence of other connexions may yet come to light. These houses ranged, geographically and in character, from the reformed Benedictines of Tiron to the Austin canons of Lanthony on the march of Wales; from the Cluniac houses of recent foundation at Northampton, Daventry and Reading to the old-established abbeys of Ramsey and Westminster, and to two northern churches, Durham and St. Mary's, York, in which the monastic life had been revived in the previous century.[2]

When David was given the Honor of Huntingdon in 1114, one of the men with whom he was brought into contact was the sheriff of Huntingdon and Cambridgeshire, a Norman knight named Gilbert.[3] Gilbert was sheriff of Surrey also, and it was in this very year that he took Robert, the sub-prior, from the Augustinian priory of St. Mary, Huntingdon, to rule a new community of regular canons at Merton, south of London.[4] Unfortunately, the only extant cartulary of St. Mary's, Huntingdon, is an unsatisfactory production, and we do not know whether David, as earl, patronized this house, though as king he undoubtedly did so, as did also his son Earl Henry.[5] The black canons were certainly among those newer orders of religious which, on the whole, found most favour with David. We must not overlook the influence upon David in this period of his sister Queen Matilda. She was an active and influential supporter of the regular canons, and in

[1] *E.S.C.*, Nos. 136–7, 172–3.

[2] A puzzling writ of Henry I commanding Earl David to assist the monks of Reading in respect of land at Cholsey, Berks., is in B.M., Harl. MS. 1708, fo. 17v (cf. Farrer, *Itinerary*, p. 95). David was also ordered, as lord of the honor of Huntingdon, to protect the monks of Ramsey; *Cart. Ramsey* (Rolls Series), Nos. 168–9. Evidence for the remaining connexions is either discussed in the text, or is in *E.S.C.*, Nos. 29, 30, 32–4, 52.

[3] *Cart. Ramsey*, Nos. 168–9; W. Morris, *Medieval English Sheriff*, p. 78; College of Arms, Arundel MS. 28, fo. 8v.

[4] Dickinson, *Austin Canons*, p. 117.

[5] B.M., Cott. MS. Faustina C i., fo. 2r. This late cartulary has relatively few deeds, but includes (fos. 15r, 16v) two unfamiliar acts of Earl Henry, unknown to Lawrie and omitted from *E.S.C.*

1107–8 founded the famous Austin priory of Holy Trinity, Aldgate. It is possible that David had already been a benefactor to this church before *c.* 1132, when, on his wife's death, he gave the church of Tottenham to the canons of Aldgate for the souls of the two Matildas, queens of England and Scotland.[1] To the canons' chagrin, the body of their foundress, who died in 1118, was buried in the abbey church of Westminster.[2] Earl David, probably soon afterwards, made careful provision for the Westminster monks to celebrate his sister's anniversary, and also the anniversaries of their father and mother, and the cost of this was to be met appropriately—and economically—by a rent from the estate of the late queen's chamberlain, Aldwin, which formed a part of David's useful manor of Tottenham.[3]

It was apparently a chaplain of the English queen Matilda who took a leading share in the beginnings of the Austin priory of Lanthony, which was an early offshoot from Aldgate.[4] In the period 1114 to 1124 Earl David and his countess, in two little-known writs, recorded their confirmation of a Bedfordshire tenant's grant of land to the canons of Lanthony.[5] Queen Matilda, again, took a close and helpful interest in Sheriff Gilbert's foundation at Merton.[6] This house played an important part in Scottish Augustinian development, and we must now consider the way in which this came about.

Among David's chaplains in the period *c.* 1118 to *c.* 1128 were two clerks named Aelfwine or Alwin and Osbert.[7] In 1128 King David founded a church, to be served by Austin canons, at a site below Arthur's Seat, not far from the royal castle of Edinburgh,

[1] *E.S.C.*, No. 98.

[2] See Dickinson, *op. cit.*, p. 111.

[3] Westminster Abbey Muniments, 'Domesday', fos. 157–8. Considerations of space prevent any further discussion here of the interesting Scottish royal charters copied into this manuscript. They were not known to Lawrie, and consequently were omitted from *E.S.C.*

[4] Dickinson, *op. cit.*, p. 111.

[5] P.R.O. Chancery Masters' Exhibits, Lanthony Cartulary, Vol. A 4, fo. 84v; Vol. A 1, Section X, Nos. xvi, xvii. I have to thank Mr. D. G. Walker and Mr. A. A. M. Duncan for drawing my attention to these charters. They are not in *E.S.C.*

[6] Dickinson, *op. cit.*, p. 117.

[7] *E.S.C.*, Nos. 32, 35, 53; *Scottish Historical Review*, xiv. 371–2; Westminster Abbey Muniments, 'Domesday', fo. 158r.

and Alwin, the king's chaplain, was made its first abbot.[1] According to the fifteenth-century *Historia Fundationis* of Holyrood Abbey, Alwin was then a canon of Merton.[2] It is curious that modern Scottish historians have never realized that Holyrood Abbey was formed by a colonization from Merton in Surrey, although this information has been available since the publication in 1898 of A. Heales' *Records of Merton Priory*.[3] The actual evidence is contained in the excellent *Historia Fundationis* of Merton preserved in a manuscript at the College of Arms, and recently the relevant passage, in which Edinburgh (Holyrood) is listed third among Merton's seven daughter-houses, has been printed by Mr. Dickinson.[4] The Merton parentage of Holyrood, which may with confidence be ascribed to the connexion between Merton and Huntingdon, need not surprise us, for both these churches were centres for the propagation of the Augustinian rule.

Alwin's fellow-chaplain, Osbert of Paxton, certainly belonged to Huntingdonshire. From an interesting charter (copied into the *Registrum* of Lincoln Cathedral) which was given by King David at Huntingdon between 1124 and 1128,[5] we learn that the parish church of Holy Trinity, Great Paxton, on David's demesne, was given an exchange of land by the king at the request of his chaplain Osbert and of Orgar the priest, apparently in order that, as the charter says, 'a prior and clerks should serve the church as regular canons'. The 'priory' of Paxton endured until *c.* 1140, when Osbert was prior, but after this nothing more is heard of it.[6]

[1] *Melrose Chronicle* (Facs. edn.), p. 32; *Chronicle of Holyrood* (ed. M. O. and A. O. Anderson, Scottish History Soc., 1938) pp. 116, 128.

[2] *Book of the Old Edinburgh Club*, vii. 64.

[3] P. 6. Heales' reading and translation of his MS. source are faulty. In Royal Commission on Ancient Monuments of Scotland, *Inventory of the City of Edinburgh* (1951), p. 129, Holyrood is said to have been colonized from Scone, on the authority of F. C. Eeles, *Proc. Soc. Antiquaries of Scotland*, xlix. 91, but Dr. Eeles does not give his source for this statement.

[4] College of Arms, Arundel MS. 28, fos. 12v–13r; Dickinson, *op. cit.*, p. 118, n. 5. For Mr. Dickinson's 'inceptis fuit', I read 'incepcio fuit', which should perhaps be emended to 'incepto sunt'. The beginning of the next sentence I read 'Iamque ut ipsarum propagacionum ordinem teneamus . . .' It may be pointed out that the form 'Ednesburch' in the manuscript is further evidence that the narrative was composed in the twelfth century.

[5] *Scot. Hist. Rev.*, xiv. 371–2; *Registrum Antiquissimum of Lincoln*, ed. C. W. Foster, iii, No. 800.

[6] *Ibid.*, No. 802.

During the eleven-forties, however, we do hear of Osbert, prior of Holyrood,[1] and an identification of the Scottish with the English Osbert, which might seem far-fetched, is actually made probable by two further charters at Lincoln, which show that in or before 1162 Great Paxton church had been given by the Scottish king to Holyrood Abbey, and that by this time there was no longer a priory at Paxton.[2] Osbert evidently found it difficult to support the regular life at this small parish church, and taking, as it were, his title-deeds with him, seems to have migrated to the well-endowed royal abbey of Holyrood over which his former colleague Alwin now presided as abbot.

We may turn next to the two other Augustinian houses founded by King David, Jedburgh and Cambuskenneth.

In 1139, the year in which peace was made between David and Stephen after the first phase of war, we find for the first time in record mention of a prior of Jedworth (the later Jedburgh).[3] It is possible that his priory (soon to become an abbey), which was founded by King David with the help of Bishop John of Glasgow, owed its existence to the bishop's wish to mark his reconciliation with the papacy. The legate Alberic had recalled him from his self-imposed exile at Tiron at the Carlisle council of 1138, and after his return nothing more is heard of his bitter dispute with York. According to John of Hexham, it was the bishop who had placed the regular canons in the church of Jedburgh, and it was in their church that he was buried in 1147.[4] In Spottiswoode's *Account* of the Scottish religious houses[5] the canons of Jedburgh are said, without authority cited, to have come from St. Quintin of Beauvais, the famous centre of Augustinian life and of its propagation. We have, however, the good authority of Ailred of Rievaulx that among King David's foundations was a house for canons of Beauvais,[6] and the evidence, by elimination, points to

[1] *E.S.C.*, Nos. 134 (dating possibly later than 1141), 182, 213; *Chronicle of Holyrood*, p. 121.

[2] *Reg. Antiquissimum of Lincoln*, iii, Nos. 804–5.

[3] *E.S.C.*, No. 121. This prior, Daniel, also witnessed a charter of Earl Henry to St. Mary's, Huntingdon, given at Roxburgh *c.* 1140 or after; B.M., Cott. MS. Faustina C i, fo. 15r.

[4] Simeon of Durham (Rolls Series), ii. 321.

[5] In Keith's *Scottish Bishops*, ed. Russel (1824), p. 392. So in J. Morton, *Monastic Annals of Teviotdale*, p. 3, perhaps following Spottiswoode.

[6] Migne, *P.L.*, cxcv. 714.

Jedburgh. But for the present, the identity of the mother-house of Jedburgh must remain uncertain.[1]

One of King David's grants to Jedburgh touches on a point of some interest which has not, I think, been discussed previously. When a small community of foreign clergy arrived in remote northern parts, not the least urgent of their needs must have been a supply of ready money. Money was probably scarce in Scotland, where so many revenues, even royal ones, were still paid in kind. David's solution was to make use of his English lands, apparently to provide temporary grants of money revenues which could later be exchanged for land in Scotland. In carrying out this plan, David's demesne manor of Hardingstone, by Northampton, for some reason bore an altogether disproportionate share of the burden. One of David's first acts on gaining his lands in southern Scotland was to restore the church and see of Glasgow, and, probably *c.* 1114, a rent of 100*s.* a year from Hardingstone was given 'ad edificationem et restaurationem' of Glasgow cathedral. At about the same time, ten librates of land in Hardingstone were given to the Tironians settled at Selkirk, a grant which could only have been of use to them in the form of a money rent. Between 1124 and 1128, when King David was enlarging the endowments of Dunfermline so that a bigger church might be built there, the monks were given a rent of 100*s.* 'in England' (its source is not stated). These grants were not intended to be permanent. The Tironians, for example, had to surrender their ten pounds a year for the king's 'important business' (*magnum negocium*) and were given the village of Traverlen (Easter Duddingston) in exchange. This was almost certainly before the founding of Jedburgh, for one of King David's earlier grants to the Jedburgh canons was ten librates of land in Hardingstone, which were in turn exchanged, before 1153, for the border estate of Rule Hervey (Abbotrule).[2]

No early writer has described the founding of the Augustinian abbey of Stirling, which was built in a crook of the Forth named Cambuskenneth, on the opposite side of the river from the king's

[1] I have not had an opportunity to consult the Beauvais Cartulary in the Bibliothèque Nationale, in which there may be some evidence about Jedburgh.

[2] For the foregoing, see *E.S.C.*, Nos. 46, 74, 35 (cp. No. 194 and *Liber de Calchou* (Bannatyne Club), No. 241; W. Fraser, *Facsimiles of Scottish Charters* (Edinburgh, 1903), No. 6). David's *magnum negocium* may have been connected with the campaign of 1138–9.

burgh. In a recent paper on Carlisle cathedral,[1] Mr. Dickinson discussed the interesting fact that between 1136 and 1156 the Austin canons of the newly formed cathedral chapter of Carlisle obtained leave from Bishop Athelulf to adopt the order of Arrouaise, that is, the constitutions observed at the church of St. Nicholas, Arrouaise, already famous as a centre of the strict Augustinian life. Mr. Dickinson pointed out that the great Irish reformer, St. Malachy (Máelmaedóc Úa Morgair), visited both Clairvaux and Arrouaise on his journey to and from Rome in 1140. His purpose was to collect and learn the rules of the reformed religious orders so that he could plant them in his native country. On this journey, both going and coming, Malachy almost certainly passed through Carlisle, and Mr. Dickinson put forward the suggestion that the canons there were converted to the Arrouaisian observance through Malachy's influence.[2]

On Malachy's return journey in the autumn of 1140, he found King David keeping his court in one of his castles, probably Carlisle. With him was his only son, Earl Henry, who was so dangerously ill that his life was despaired of. Malachy, implored by the king to cure his son, attended Henry, bidding him have faith, and saying that he would not die on that occasion. The next day the prince recovered, to the intense joy of the royal household.[3] Nothing is more likely than that King David should have signalized his thankfulness for this event by endowing a religious community, and if this was done, and done, moreover, with Malachy's counsel, we should remember that he had come freshly from a visit to Bernard of Clairvaux and also to Abbot Gervase and his canons at Arrouaise.[4] It is therefore conceivable, though there is no direct evidence on this point, that the Cistercian abbey of Newbattle, founded by King David and Earl Henry in

[1] 'The Origins of the Cathedral of Carlisle', in Cumbd. and Westm. Ant. and Arch. Soc. *Transactions*, xlv. 134–43. As this paper is substantially included in the same writer's *Austin Canons*, my references are to that work.

[2] *Ibid.*, p. 250; J. Wilson, *Scot. Hist. Rev.*, xviii. 72–5.

[3] Migne, *P.L.*, clxxxii. 1095–6. After this, we are told, both David and his son loved Malachy as long as he lived, as the man who had recalled (Henry) from death.

[4] Abbot Gautier's historical narrative of Arrouaise (ed. from Gosse, *Histoire d'Arrouaise*, by O. Holder-Egger in *Monumenta Germaniae Historica* (*Scriptores*), xv, II, pp. 1117–25) says that Malachy took books and copies of the Arrouaisian use on his return to Ireland (*ibid.*, pp. 1121–2).

November, 1140, as the first daughter-house of Melrose, owed its origin to this motive.[1]

It is of greater interest to know that in this period King David took the first steps towards establishing an Arrouaisian community in Scotland, which became, a few years later (1147), the abbey of St. Mary of Stirling. Prior Gosse of Arrouaise, the eighteenth-century historian of his house, made the reasonable suggestion that the Scottish king's interest in this Picard abbey was due to the fact that his sister Mary, and her husband Eustace, count of Boulogne, had been its benefactors.[2] It should, however, be pointed out that the Countess Mary died in 1115, nine years before David even became king, and that in 1140 David would be most unlikely to favour a continental abbey simply on the grounds that King Stephen's father-in-law had been its patron. It seems more reasonable, therefore, to attribute David's connexion with Arrouaise to the influence of St. Malachy.

Hitherto, our knowledge that Stirling Abbey, or Cambuskenneth Abbey as it came to be called, was ever Arrouaisian has rested on a bull of Eugenius III of 30 August 1147.[3] This states that the 'ordo canonicus de Arrosia' had been instituted in the church of St. Mary, Stirling, by its first abbot, William, with the advice and help of Bishop Robert of St. Andrews. Thanks, however, to the survival at Amiens of Abbot Gautier's cartulary of Arrouaise, a fine production of the latter part of the twelfth century,[4] it has been possible to recover a hitherto unknown charter given by Earl Henry, King David's son, at Carlisle, *c.* 1140–5.[5] This charter puts the connexion between Stirling and its French mother-house in a clearer light. From it we learn that King David had granted to the church of Arrouaise (probably

[1] The founding of Newbattle is usually ascribed to King David alone, but a solemn privilege of Innocent II, of Feb.–Sept., 1143 (*Registrum de Neubotle*, Bannatyne Club, No. 263; cf. Jaffé-Löwenfeld, *Regesta*, No. 8369), links David and his son as making the initial endowments.

[2] *Histoire de l'abbaye d'Arrouaise* (Lille, 1786), pp. 56–7.

[3] *E.S.C.*, No. 180. Lawrie gives no authority for his statement, *ibid.*, p. 401, that canons were brought from 'Aroise' to Stirling 'early in the reign of David I, perhaps in the reign of King Alexander'.

[4] Bibliothèque Municipale d'Amiens, MS. 1077 (*Catalogue Général des Manuscrits des Bibliothèques Publiques de France*, vol. xlviii, p. 242).

[5] Below, Appendix. I have to thank Monsieur P. Logié, *conservateur* of the Bibliothèque d'Amiens, for helping me to obtain photographic reproductions of part of MS. 1077, including the text of this charter.

*c.* 1140) half the hides and a quarter of the tallow of all beasts slaughtered at Stirling. It seems clear that this grant was intended to benefit canons of Arrouaise in Scotland, no doubt at Stirling;[1] for in 1195 Pope Celestine III, in a solemn privilege, listed King David's endowments to Stirling Abbey and included the hides and tallow of Stirling among them.[2] It can therefore be stated definitely that Cambuskenneth Abbey was in origin a daughter-house of Arrouaise, though we do not know how long the connexion was maintained.[3]

So far, we have seen David as the patron in his own kingdom of the Benedictines of Canterbury at Dunfermline, and of Durham at Coldingham; of the monks of Tiron at Selkirk; and of several communities of Austin canons. This activity alone would make his work for the religious orders remarkable, but when we recall that in addition he founded three Cistercian abbeys, a Cluniac priory, and possibly a Cistercian nunnery,[4] to say nothing of his probable encouragement of the knights of the Hospital and Temple, the scale of his work is seen to be truly astonishing. It has been impossible within the limits of this essay to discuss in equal detail all David's foundations. In particular, little has been said of the king's relations with the Cistercians, the more readily since Sir Maurice Powicke's work on Ailred of Rievaulx[5] has

[1] *E.S.C.*, No. 143, shows that the canons had been given the land of 'Cambuskinel' before May 1147, probably some years before.

[2] *Cartulary of Cambuskenneth* (Grampian Club), No. 25 (p. 44). By this time, the quarter of the tallow had been increased to a half. Incidentally, the fact that King David gave the other half of the hides and tallow of Stirling to Dunfermline Abbey shows the wholesale character of his alienations to the religious, and adds point to James I's well-known apostrophization of him as 'ane sair sanct for the Croune'.

[3] This confirms the statement in Abbot Gautier's *History* (*loc. cit.*, p. 1121) that under Abbot Gervase (1121–47) Arrouaise sent out colonies not only to England, Burgundy, and Poland, but also Scotland. This puzzled Gosse, who, though his knowledge of Scottish history was good, was naturally defeated by the name 'Striuelin' in Earl Henry's charter (*Histoire d'Arrouaise*, p. 57).

It may be noted that Alured, second abbot of Stirling, was in England in company with heads of other Arrouaisian houses (Bourne, ? Warter, Harrold) *c.* 1160 (*Reg. Ant. Lincoln*, ii. No. 347).

[4] Only the nunnery at S. Berwick can safely be ascribed to David I's time (D. E. Easson, 'Nunneries of Medieval Scotland', Scottish Ecclesiological Soc. *Transactions*, xiii, II (1940–1), p. 35, n. 3).

[5] *The Life of Ailred of Rievaulx by Walter Daniel*, ed. and transl. by F. M. Powicke (Nelsons' Medieval Classics).

revealed in the clearest manner the close connexion between David and the white monks in the north of England, and has given us a vivid picture of the contemporary social background in which the founding of Melrose as a daughter of Rievaulx takes its natural place. It may, however, be useful to include a mention of David's sole Cluniac foundation, and of the two monasteries which he planted in Moray.

Henry I's favourite religious house was the Cluniac abbey of Reading, his own foundation, dating from 1121. A benefaction to its monks in memory of his former lord, in whose court he had been brought up, would be an act natural enough on David's part. Nothing, however, seems to have been attempted in the period immediately after Henry's death, and nothing could be attempted during the years of war and disturbance from 1138 to 1141. One might, indeed, have supposed that after the Rievaulx monks had colonized Melrose in 1136 the relations between David and Stephen, steadily deteriorating, would put an end for a while to further English monastic settlement in Scotland. But a good friend of the Scottish king, the faithful Brian Fitz Count, held command of the middle Thames valley throughout these gloomy years, and one of the first steps towards giving Reading a daughter-house in Scotland was recorded in a charter which King David addressed to Brian,[1] as well as to Abbot Edward and his convent. This was the grant of the estate of Rindalgros (now Rhynd), where the Earn flows into the Tay, made on the understanding that should the grant be sufficiently augmented Reading Abbey was to establish a convent there.

This was never carried out, but in these same years a community of monks from Reading, under their prior Achard, was in fact established on the lonely Isle of May, at the mouth of the Firth of Forth.[2] The service of the shrines of St. Ethernan and other saints on this bleak and foggy island, the haunt chiefly of rough fisherfolk who would not pay the tithes of their catches, must have contrasted dismally with the comparative luxuriance of the Thames valley, and the colonization of the May is a token of

[1] *E.S.C.*, No. 161, where the 'dominus Briencius' addressed by David can safely be identified with Brian Fitz Count, for whose personal connexion with Reading Abbey see J. B. Hurry, *Reading Abbey* (1901), p. 162.

[2] *E.S.C.*, Nos. 155–6; and p. 387.

the enthusiasm and devotion of the Reading Cluniacs.[1] Yet they were given some property and interests on the mainland, the lands of Pittenweem and St. Monance, a chapel in Perth, tofts in Berwick and Haddington, and they probably managed the estate of Rindalgros as well.[2] The priory of May never grew to wealth or independence of its mother-house; but it provides an interesting example of how the Scottish king placed in the custody of one of the foreign religious orders a shrine long associated with the veneration of a Celtic saint.

The intensely Scottish province of Moray came under direct royal control in 1130, and the introduction of certain Anglo-Norman institutions followed with precocious speed. Protected by the king's newly-planted tenants, two religious communities of the new type were founded in the north before 1153. At an unknown date between 1130 and 1150 the Benedictines of Dunfermline were given land in Moray, and probably towards the end of this period established a dependent cell at Urquhart,[3] near the new burgh of Elgin. It is possible that in this period they made an abortive attempt to push still further north. A monk of Dunfermline was made bishop of Caithness,[4] and a Dunfermline record shows us King David writing (*c.* 1139–51) on behalf of monks at Dornoch,[5] in the bishop's diocese. In the summer of 1150 a convent of Cistercians from Melrose was planted at Kinloss in Moray by the king,[6] the first of a number of communities of the more austere orders of religious which, as might be expected, predominated in the north.

If, in conclusion, we review this Scottish monastic development, three features emerge, I think, with special prominence.

[1] St. Ethernan is mentioned in twelfth- and thirteenth-century record as *Yðerninus* (B.M., Egerton MS. 3031, fo. 62v) and *Etherninus* (J. Stuart, *Records of May*, No. 28). It is difficult to believe that St. Ethernan and St. Adrian of May, distinct in the Scottish Church calendar, were not one and the same.—Malcolm IV ordered the fishermen of the May to pay their tithes, *c.* 1153–61 (Stuart, *loc. cit.*, p. 6).

[2] *E.S.C.*, Nos. 155, 184, 202, 231; B.M., Egerton MS. 3031, fo. 61r.

[3] *E.S.C.*, Nos. 128, 255.

[4] Dowden, *Bishops of Scotland*, p. 232; Skene, *Picts and Scots*, p. 136.

[5] *E.S.C.*, No. 132; Anderson, *Early Sources*, ii. 193, 213. The presence of the writ in the Dunfermline register suggests that the monks at Dornoch were from Dunfermline, but the wording of the writ does not, I think, necessarily imply the existence of a religious house at Dornoch.

[6] *Melrose Chronicle* (Facs. edn.), p. 35; Anderson, *loc. cit.*, pp. 210–11.

First, it is remarkable how rapidly the successive phases of western religious life were reflected in this small northern kingdom, which though physically remote was, as we must agree, far from being socially or intellectually isolated. Secondly, despite the virtual monopoly of monastic patronage held by the ruling family, we are struck by the wide variety of religious orders that found a place in Scotland. For this, most, though not all, of the credit belongs to David, who as earl and king fully merited a twelfth-century pope's description of him as 'princeps catholicus et Christiane fidei ampliator',[1] however much he may have diminished thereby the resources of the Scottish crown. Finally, whether or not we judge this flowering of monastic life to have been too sudden and even somewhat artificial, we must give credit to a remarkable ruling family for planting and fostering it by means of the fullest use of their resources and connexions.

## APPENDIX

(1) Charter of Earl David, afterwards King David I, confirming the possessions of the monks of St. Andrew's Priory, Northampton (*c.* 1114).

Dauid dei gr*acia* Comes omnibus fidelibus suis salutem. Gaudia uolo uos scire me concessisse monachis de Caritate apud Sanctum Andream de Norh't deo seruientibus omnia quecumque de meo feudo tenent in ecclesiis et in decimis et in terris et in hominibus et in consuetudinibus tam honorifice possidenda sicut illo die quo ad istum honorem ueni honorabilius possidebant. Testibus hiis. H*ugone* Vic*ecomite*. Joh*anne* capellano. H. de Pressi.[2] Roberto Nigelli filio. Ricardo Widonis filio et multis aliis.

Source: B.M., Royal MS. 11 B ix, fo. 11r. Another copy, with *North*' for *Norh't*, is in the later St. Andrew's Priory register, B.M., Cott. MS. Vespasian E xvii, fo. 10v.

(2) Charter of Earl Henry, son of King David I, confirming his father's grant to the church of St. Nicholas, Arrouaise, of half the hides and a quarter of the tallow of the (beasts brought to) slaughter at Stirling. (At Carlisle, *c.* 1140–5.)

[1] Urban III; cf. *Registrum Episcopatus Glasguensis*, (Bannatyne Club), No. 66.

[2] Read A*lano* de Perci (?).

Henricus comes filius regis Scotie Episcopis Abbatibus Comitibus Baronibus Vicecomitibus et omnibus probis hominibus suis totius regni Scotie, salutem. Sciatis me concessisse et confirmasse carta mea elemosinam quam rex pater meus dedit deo et ecclesie Sancti Nicholai de Aridagamantia pro animabus nostris et antecessorum et successorum nostrorum, videlicet medietatem coriorum et quartam partem seporum occise de Striuelin in perpetuam elemosinam. Teste Johanne Episcopo et Alwino Abbate de Edeneb'. Willelmo filio Dunec*ani*. Hug*one* de Moruill'. Roberto de Brus. Willelmo de Summeruill' et Willelmo de Graham. Apud Carlol'.

Source: Bibliothèque Municipale d'Amiens, MS. 1077, fo. 46v.

# SHERBORNE, GLASTONBURY, AND THE EXPANSION OF WESSEX

By H. P. R. Finberg, M.A., F.R.Hist.S.

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WHEN a monastic historian sets out to collect materials for a cartulary or chronicle of his abbey, his researches among the archives would sometimes bring him face to face with documents which had ceased to be of any practical use. They might be crumbling to pieces, or faded, or written in an undecipherable script. Or they might refer to transactions which had long since been undone: leases which had expired, original grants of property which the monastery, for one reason or another, had ceased to own. Tenacious of their rights as monastic corporations usually were, there were losses which even they had to admit were irrevocable. In such cases, the original charters no longer served as title-deeds. To copy them out in full might well seem a waste of time; but if the scribe ignored them altogether, past glories would be forgotten and benefactors might be robbed of the commemoration due to them. The best course open to a conscientious scribe was to make an abstract or epitome, recording the names of the grantors and adding brief particulars of the lands or relics or precious vessels they had given to the abbey. By this means a good deal of historical fact would be preserved with the least possible expenditure of time and parchment.

Fortunately, this middle course was sometimes adopted. And it would be a meritorious undertaking for some young scholar to draw up a calendar of all the charters, older than the Norman Conquest, of which the text is lost, but of which the substance has been preserved in summary form. Such a calendar would be a most useful supplement to the corpus of surviving charters edited by Kemble and Birch. The historical value of the charters which have come down to us in full has never been in doubt, though scholars are well aware that some of them are crude

fabrications, others genuine but faultily transcribed, or touched up in places to help the defence of threatened rights, while others again are more or less clumsy reconstructions of lost originals. By contrast with this mixed collection, a series of bald statements in the form: A gave the abbey an estate at B, need not excite suspicion to anything like the same extent. For in the first place, the monk who wrote the statements down was not trying to prove anything, nor asserting any claim. The record is disinterested; we may presume that it was written in good faith, that the scribe, having nothing to gain by making an unsupported statement, did not invent it, but took it from documents which he believed to be genuine. We cannot be sure that he interpreted his documents correctly, and of course he may have been mistaken about their genuineness. The canons of textual criticism cannot be applied here; we have therefore to test the statements by other criteria. Do they conflict with anything that is certainly known from other sources? Can they be fitted convincingly into the general history of the time?

If they pass these tests, we shall not be unduly perturbed by minor discrepancies. For example, when we read that an estate at X, given by King Y in the ninth century, consisted of ten hides, and then find that in Domesday Book X is rated at only six hides, this will not strike us as a fatal objection, for part of the estate may have been alienated in the meantime, and we know that many assessments were lowered by royal favour. We may encounter difficulties in identifying places named in the record, but such difficulties may often be solved by reference to the later history of a manor, or to some detail like the dedication of the parish church, for ecclesiastical property tended to remain ecclesiastical though it might pass from one church to another, and we know how commonly, in the seventh and eighth centuries, churches of Anglo-Saxon foundation were dedicated to saints of the New Testament.[1] On the general question of these fragmentary records, William of Malmesbury has some judicious observations.

> Although the number and extent of the properties I have listed here as belonging to one house may seem incredible, yet I have no doubt that all these, and many more which I omit

[1] On this see W. Levison, *England and the Continent in the Eighth Century* (Oxford, 1946), pp. 34–36, 259–65.

because the particulars are uncertain, were really given to the abbey of Glastonbury. It need occasion no surprise if some manors are recorded as having been granted, either really or nominally, by more than one grantor. Sometimes the names are not clear; sometimes properties given long ago were taken away and later restored; and in other cases, one owner gave part of a manor and some one else the rest, but the whole may have been ascribed to one giver.

This was written in 1129 or thereabouts, when the great chronicler spent some time at Glastonbury studying the archives and monumental inscriptions of the abbey. He found there a large number of original charters and early copies. He also found a *Landbok*, or *Liber Terrarum*, compiled apparently towards the close of the tenth century, and containing transcripts of one hundred and thirty-six royal and other charters. After thoroughly exploring this material, he wrote his well-known tractate *De Antiquitate Glastoniensis Ecclesie*. This was printed in 1727 by Thomas Hearne from a manuscript in the library of Trinity College, Cambridge.[1] The Glastonbury *Landbok*, still extant in the time of Abbot Monyngton (1341–74), has since disappeared. Fortunately some one who examined it in 1247 took the trouble to copy out its table of contents, under the heading *Cartae contentae in libro terrarum Glastoniae*, and this epitome is now bound up in the same Trinity College manuscript with the *De Antiquitate*. It too was printed by Hearne.[2]

The church of Sherborne did not, like Glastonbury, lay claim to a fabulous antiquity, but its authentic records go back to the earliest days of West Saxon Christianity. Towards the close of the fourteenth century they were epitomized by a monk of the house under the heading *Incipiunt nomina regum ejusdem ecclesie fundatorum*. The word *fundator* here, as usually in monastic texts, means 'principal benefactor'. There follows a list of royal names, in an order far from chronological; and to each king's name is

[1] MS. 724, written in mid-thirteenth century. For a full description see M. R. James's *Catalogue*, ii. 198. As printed by Hearne, the *De Antiquitate* occupies pp. 1–122 of his *Adami de Domerham Historia de Rebus Gestis Glastoniensibus* (Oxford, 1727). In subsequent footnotes I refer to this work as *AD*.

[2] In *Johannis . . . Glastoniensis Chronica sive Historia de Rebus Glastoniensibus* (Oxford, 1726), pp. 370–75. In subsequent footnotes I refer to it as *JG*.

appended a brief statement of the lands he gave to Sherborne. This memorial, with other Sherborne documents, is bound up in a volume which formerly belonged to Sir Robert Cotton and is now in the British Museum. It has been printed in full by Dugdale.[1]

In both cases the records thus preserved for us in summary form include a number of documents of which the text is lost. The purpose of this essay is to examine them, in conjunction with other evidence, on the chance that they may throw some light on the process of expansion by which the sovereignty of Wessex was carried westward from the forest of Selwood to Land's End.

Great obscurity surrounds the origin of Sherborne. A charter of Cenwalh, king of Wessex, dated 671, is transcribed in one of its registers and printed in the *Cartularium*.[2] It purports to have been issued with the consent of Wulfhere, king of Mercia, and Archbishop Laurence of Canterbury; and it refers to Sherborne as an episcopal see (*pontificalis officii sedes*). As Laurence died in 619, and no bishopric existed at Sherborne until 705, the document cannot be accepted as it stands. For more trustworthy information, and for a clue to the early history of the monastic house, a clue which the local historians have disregarded, we turn to the Cotton MS. There we find Cenwalh named at the head of the list of benefactors, with the added information that he gave 'Lanprobi', an estate of a hundred hides. In this name we recognize the ordinary Celtic prefix for a church or an ecclesiastical estate, followed by the name of an early saint and martyr, Probus, whose cult seems to have been well established among the Britons of the south-west, for there is a Lanprobus in Cornwall also, in Domesday Book called Lanbrabois, now simply Probus. The Dorset *lan* which Cenwalh gave is almost certainly identical with the 'Propeschirche' named among the possessions of Sherborne in 1145 and with the *capella sancti Probi* mentioned in a papal bull of 1163. Its exact situation is not known, but it

[1] Dugdale, *Monasticon*, i (1817), p. 337, from Cotton MS. Faustina A. ii' fo. 24. As the reading of several names is open to question, I have found it necessary to consult the manuscript. See the Appendix below, p. 123.

[2] *Cartularium Saxonicum*, ed. W. de G. Birch (1885–93), i. 46 (no. 26). In subsequent footnotes I refer to this work as *CS*.

seems to have been near Sherborne Castle.[1] The English name Sherborne is primarily a stream-name. It may well be that Lanprobus is the older British name of the monastic property on which the town was afterwards built.

The same Cenwalh figures as the earliest English benefactor of Glastonbury. In 670, at the instance of Archbishop Theodore, he gave two hides at Ferramere, now Meare, to Beorthwald, the first abbot of Glastonbury who bore an English name.[2] This was twelve years after the battle of Penselwood, which has always been regarded as having opened Somerset east of the river Parret to English settlement. Professor Stenton, however, considers it probable that the victory carried the West Saxons at least as far as the Blackdown Hills on the border of Devon,[3] and if we can trust a charter of 672 which conveys to Glastonbury land within four miles of Taunton, the probability becomes a virtual certainty.[4]

Cenwalh, once he had made up his mind to embrace Christianity, strongly supported Roman usages. The records already cited show him acting in concert with Archbishop Theodore, reorganizing British churches on Anglo-Roman lines, placing English abbots in charge of them, and increasing their endowments. In his dealings with the Britons the possession of Glastonbury must have been a precious asset, for all West-Wales revered the memory of Rumon, Kea, and Fili, missionaries who had set out from Glastonbury in the first half of the sixth century to evangelize Devon and Cornwall.[5] We shall find later kings of Wessex turning the prestige of the ancient Celtic sanctuary to good account.

The next king but one, Centwine, is described by his contemporary, St Aldhelm, as a generous benefactor of new churches. The same authority says that Centwine defeated his enemies in

[1] The bull of 1163 refers to 'ecclesiam sanctae Mariae Magdalenae sitam juxta castrum Sherborne, cum capellis sancti Michaelis et sancti Probi' (Dugdale, *op. cit.*, i. 339); cf. J. Hutchins, *History of Dorset* (1861–70), iv. 257, and J. Fowler, *Mediaeval Sherborne* (1951), p. 107.

[2] *AD*, p. 49; *CS*, i. 45 (no. 25).

[3] F. M. Stenton, *Anglo-Saxon England* (Oxford, 1943), p. 63.

[4] *CS*, i. 97 (no. 62).

[5] The topographical and other evidence for this movement is discussed by G. H. Doble, *Four Saints of the Fal* ('Cornish Saints' Series, no. 20, 1929), pp. 27–30.

three great battles.[1] We are not told who these enemies were, but there can be little doubt that they were the Britons of Dumnonia, and that the battles were fought in what is now Devon. The late J. J. Alexander, a local scholar who made a careful study of the subject, was of opinion that by 685, the end of Centwine's reign, the English had advanced no further westward than the river Dart, and that although Ine, in 710, conquered north Devon and even penetrated into the northernmost tip of Cornwall, the conquest of south Devon remained incomplete until the wars of Cuthred and Cynewulf, halfway through the eighth century.[2] Professor Stenton, who remarks that 'few questions in Early English history are more obscure', considers it probable that Devon was conquered in the reign of Ine (689–726), and that for the next hundred years the river Tamar formed the dividing line between Wessex and Cornwall.[3] Where so much is doubtful, any shred of evidence becomes important; and a Glastonbury record, preserved in outline by William of Malmesbury, will perhaps assist us to clear up the problem.

In order that we may view the record in its historical setting, it is necessary to recall the well-known letter which Aldhelm, while abbot of Malmesbury, addressed to the reigning king of Dumnonia, Geraint, and to the clergy of his realm. Beginning with some remarks upon the theological dissensions then raging among the Britons, Aldhelm urges them, with solemn warnings against the perils of schism, to regulate the shape of their tonsures and the date of Easter in accordance with Roman usage. He then goes on to inveigh at some length against the Britons on the other side of the Bristol Channel, whose behaviour towards their English neighbours he describes as both uncharitable and heretical.[4] It is difficult to see why this criticism of the north-Welsh should have been directed to a Cornish address, unless the epistle was designed as a contribution to the process nowadays called 'softening up'. We may acquit Aldhelm of deliberately writing war-propaganda for the government of Wessex, but there is an

[1] Stenton, *op. cit.*, p. 67.

[2] *Transactions of the Devonshire Association*, lxxii (1940), p. 107, and lxxiii (1941), p. 95.

[3] Stenton, *op. cit.*, p. 72; *The Place-Names of Devon* (Cambridge, 1931–32), pp. xiv, xviii.

[4] A. W. Haddan and W. Stubbs, *Councils and Ecclesiastical Documents* (Oxford, 1869–71), iii. 268–73. I cite this in subsequent footnotes as *HS*.

undertone of implication that if misfortune should ensue, the Cornishmen would have only their schismatic selves to thank for it. It is hardly fanciful to see in what followed a gesture of appeasement by the weaker party. For Geraint next appears in the unnatural guise of benefactor to an English church. He gave

Sherborne five hides at Macuir, now Maker, on the western shore of the Tamar estuary. But if the Cornish king hoped to buy off the enemy, he was disappointed, for in 710 war broke out again. In preparation for this campaign, Ine evidently mobilized the whole strength of the West Saxon kingdom and its allies. He was assisted by Nunna, king of Sussex, and the victorious issue of the struggle is attested by the record that Ine gave Abbot Beornwald of Glastonbury 'twenty hides by the Tamar: to wit, Linig'.[1]

[1] *AD*, p. 97.

Where was Linig? The termination *-ig* is of common occurrence in place-names; it signifies an island, and 'not merely an island in the modern sense, but any piece of land nearly surrounded by water such as a stream'.[1] The other element is clearly derived from the Welsh root *lei*, to flow; according to Ekwall, it occurs in the river-names Lyne (Northumberland), Leen (Notts), Lynor (Devon), and Lynher (Cornwall).[2] Etymology therefore suggests that the twenty hides of Linig are to be located between the Lynher and the Tamar. Turning to the map, we find that the district east of the Lynher is studded with English place-names, but on the west bank Celtic names predominate. Further, the ecclesiastical traditions of the district point to an intimate, though transient, connection with Glastonbury at this very period. In the parish of St Dominick there was a chapel of St Ildract or Indract, the saint whose tomb at Glastonbury, on the left of the high altar, was one of the most striking objects in the abbey church. The eponym of the parish is the Celtic Domnech, Latinized as Dominica, one of the companions of St Indract: indeed, according to one version of the tale, his sister. The local legend, as recorded by John of Tynemouth about the middle of the fourteenth century, relates that in the reign of Ine of Wessex, Indract, with Dominica and nine other companions, landed in the Tamar estuary and established a settlement there, complete with chapel and fishpond. Here they 'lived a most strict life in the service of God for a long time'. Afterwards, leaving Dominica behind, Indract and the others abandoned the settlement and went on pilgrimage to Rome. On their return to Britain, they were murdered by robbers a few miles west of Glastonbury. The details of this legend may be unhistorical, but in so far as it points to the existence, during Ine's reign, of a monastic settlement at or near St Dominick, there seems no reason why it should not be true, and this establishment may well have been a daughter-cell of Glastonbury.[3]

[1] G. B. Grundy, *Saxon Charters and Field Names of Gloucestershire* (Bristol and Gloucestershire Archaeological Society, 1935–36), p. 241.

[2] E. Ekwall, *The Concise Oxford Dictionary of English Place-Names* (Oxford, 1947), pp. 280, 295.

[3] For an admirable discussion of the hagiographical evidence, see G. H. Doble, *St Indract and St Dominic* ('Cornish Saints' Series, no. 48, 1944). John of Tynemouth says that Indract's party landed at 'Tamerunta'. Whether we identify this landing-place with Trematon on the Cornish side

Thus several lines of evidence converge to indicate that the campaign of 710 left Ine in a position to dispose of land west of the Tamar, where only a few years previously his opponent, Geraint of Cornwall, had ruled in full sovereignty. And this being so, it is impossible to hold that any appreciable part of Devon still lay, at this date, outside the control of Wessex. For the true conqueror of Devon we must look back to Centwine. The three victorious campaigns of which Aldhelm speaks as falling within Centwine's reign (676–85) had evidently left the kings of Wessex in a position of such mastery over the whole of Devon, that less than thirty years later they could invade and overrun a considerable part of Cornwall.

It would almost certainly be a mistake to think of these conflicts in terms of a war between two modern states, like France and Germany, and of territorial annexation by the victor. In all probability, the first English invaders of West-Wales were colonists in search of new land to cultivate, pioneers resembling the much later backwoodsmen of the North American forests. Their infiltration may conceivably have begun and continued for some time before the first recorded clash of arms. The native Britons, cut off since the decisive battle of Dyrham (577) from their kinsmen north of the Bristol Channel, perhaps looked on at first with sullen acquiescence while bands of Saxon colonists hacked out for themselves new clearings in the densely wooded combes, or occupied low-lying riverside grounds which the Celts had failed to cultivate. But sooner or later the process would give rise to what the jargon of diplomacy today styles 'incidents', and the stronger power would then intervene to protect its colonists. There is no need, then, to suppose that all the campaigns of Centwine and Ine were offensives, deliberately mounted with the object of extending the sovereignty of Wessex. On some occasions they may equally well have been defensive actions undertaken to protect the colonists against attack by hostile neighbours. Political annexation would follow, as the aftermath of victory.

of the Tamar, or with Tamerton Foliot on the Devonshire bank, it seems clear that the little colony established itself in the parish of St Dominick. The chapel stood near Halton, at one end of a spur-way leading north-westward from the shore of the Tamar to Callington and beyond; see the instructive map, prepared by Sir Cyril Fox, of the ridgeways in the 'Linig' district (*Antiquaries Journal*, xxxii (1952), p. 68).

In this process the Church had its part to play. In 705 Ine founded an episcopal see at Sherborne and appointed Aldhelm as its first bishop, with jurisdiction over all the English churches west of Selwood. We have seen how astutely the aura of veneration surrounding Glastonbury was exploited to protect an exposed frontier in Cornwall. But there is reason to believe that this last move was unsuccessful. The silence of the Anglo-Saxon Chronicle respecting the next clash on the western front is explained by the fact that it ended in the defeat of Wessex. It is the *Annales Cambriae* which inform us that in 722 the Britons won a victory at 'Hehil apud Cornuenses'. Whether, with Ekwall, we locate this battle on the Camel estuary, or with Stenton, on the river Hayle, it is clear that the English advance received a serious check.[1] Sherborne received no further benefactions in Cornwall until Egbert's reign. There may even have been some loss of territory lately won, for nothing more is heard of the Glastonbury settlement at Linig. According to the legend, Indract and his companions finally withdrew from the shores of the Tamar because one of the brethren took to stealing fish in order to augment the daily ration, thus emptying the fishpond. We may suspect that other and more potent causes were at work.

Meanwhile the settlement of Devon went on, helped forward by royal grants to the churches of Wessex. In 729 Æthelheard of Wessex gave to Glastonbury ten hides in the valley of the Torridge.[2] Ten years later he gave twenty hides at 'Cridie' to Bishop Forthhere of Sherborne for the foundation of the minster that was later known as Crediton.[3]

According to the *Chronicle*, Æthelheard's successor Cuthred fought against 'the Welsh' in 743 and 753. It is probable that the later of these battles took place in Devon or Cornwall.[4] Of Cynewulf, the next king but one (756–86), the *Chronicle* relates

[1] Ekwall, *op cit.*, p. 217; Stenton, *op. cit.*, p. 72. Other and less probable suggestions have been put forward, such as Hele Bridge in Marhamchurch and Hele in Jacobstow (*Trans. Devon. Assoc.*, lxv (1933), p. 372; *The Place-Names of Devon*, p. xviii). On the whole, the Camel seems the likeliest identification.

[2] *AD*, pp. 61, 97; *JG*, p. 105.

[3] *The Crawford Collection of Early Charters and Documents*, ed. A. S. Napier and W. H. Stevenson (Oxford, 1895), pp. 1–5.

[4] The earlier was fought in alliance with Æthelbald of Mercia, and therefore perhaps against the north-Welsh; but in 752 Cuthred threw off the Mercian yoke.

that he was very frequently in action against the Welsh, and he himself, in a charter dated 766, expresses some remorse for his severities against the Cornish enemy.[1] By this time Devon was formally organized as one of the shires of Wessex under a *prefectus* or ealdorman of its own, though it may still have included organized groups of Britons living under West-Welsh law.[2]

In 802, the first year of his reign, Egbert enfranchised the Glastonbury estate on the Torridge, and enlarged it by the gift of another five hides.[3] In 815 he invaded Cornwall and harried it from one end to the other. Ten years later a Cornish raid across the Tamar was repulsed at 'Gafulford', now Galford in the parish of Lew Trenchard. Finally, in 838 the Britons made common cause with a great host of Danish marauders, but were routed by Egbert at the battle of Hingston Down. So much we learn from the *Chronicle*. What the *Chronicle* does not make sufficiently clear is that these victories left the king of Wessex in a position of undisputed mastery over the whole of Cornwall. They also enriched him with large domains beyond the Tamar, of which he gave a tenth to the Church.[4] The Cornish bishop, Kenstec, was now compelled to acknowledge the archbishop of Canterbury as his canonical superior.[5] But it seems that Kenstec's office was allowed to die with him, for his submission had not brought peace to the Cornish Church, nor reconciled his flock to Anglo-Roman usages. We are told—from a Saxon source—that 'so far as they were able, they withstood the truth', and that the bishop of Sherborne was therefore commissioned to visit Cornwall annually and 'uproot their errors'.[6] By way of subsidizing this missionary work, Egbert added to the Sherborne endowments three estates in Cornwall: 'Polltun', now Pawton, a manor which included six or seven parishes and parts of four more, between

[1] '. . . pro expiatione delictorum meorum, necnon, quod verbo dolendum est, pro aliqua vexatione inimicorum nostrorum Cornubiorum gentis' (*CS*, i. 283; no. 200).

[2] *CS* 200 is attested by seven *prefecti*, *CS* 224 and 225 by six, though in 224 their title is omitted. The shires of Wessex at this date were Berks, Hants, Wilts, Dorset, Somerset, Devon, and perhaps the Isle of Wight.

[3] *AD*, p. 68. In the *Liber Terrarum* this donation is linked with Æthelheard's earlier gift in the same district by two consecutive entries: 'Æthelardus de Torric. Ecgbirhtus de libertate ejusdem' (*JG*, p. 371).

[4] *Crawford Charters*, pp. 18, 107.

[5] *HS*, i. 674.

[6] *CS*, ii. 277 (no. 614).

Bodmin and Padstow;[1] 'Cællwic', elsewhere called 'Cælling', which is usually identified with Callington[2]; and 'Landwithan', now Lawhitton, which comprised Launceston and four neighbouring parishes.

For a reason that will appear in the sequel, the gift of the three manors was long remembered at Crediton and Exeter, and was recorded in two documents with which historians are now familiar.[3] But what has apparently passed unnoticed hitherto is that this was not by any means the full tale of Egbert's benefactions. The Sherborne list of founders informs us that he gave that church twelve hides at 'Kelk' and eighteen hides at 'Ros' and 'Macor'. Macor is clearly Maker, the estate formerly given to Sherborne by King Geraint,[4] and the record here probably implies a confirmation of existing title or a regrant of property which had been lost in the interim. 'Kelk' is the original Cornish name of the place in north Cornwall to which, under Saxon occupation, the Old English suffix *-hæmatun* was added; it is now Kilkhampton.[5] 'Ros' is the Celtic word for promontory; it stands here for the district known today as Roseland. The church of this district, Eglosros as it is called in Domesday Book, stood at Philleigh, and in this donation of Egbert's we may in all probability see the origin of what was afterwards known as the manor of Tregear, a vast episcopal domain comprising the parishes of St Antony, St Just, Gerrans, Philleigh, and St Michael Penkivel, together with parts of Feock and Ruan Lanihorne.[6]

It will be observed that at the date of Egbert's donation, neither Kilkhampton in north Cornwall, nor Callington in the south, had yet had an English suffix added to its name. Due weight must be given to this circumstance in considering the

[1] Six whole parishes, according to Charles Henderson (*Cornish Church Guide* (Truro, 1925), p. 65); seven, according to the same authority on another page (*ibid.*, p. 25).

[2] This identification has been accepted by all scholars except Henderson, who associates Cællwic with an earthwork named Kelly in the parish of Egloshayle, where later bishops had a manor named Bernere (*ibid.*, p. 87).

[3] *Crawford Charters*, p. 106; *HS*, i. 676, from fo. 2 of the Leofric Missal.

[4] Ekwall cites the Old Breton *macoer* and the Welsh *magwyr* as identical with this place-name (*op. cit.*, p. 297). There is also a Magor in Camborne (J. E. B. Gover, 'Cornish Place-Names', *Antiquity*, ii (1928), p. 325).

[5] Ekwall, *op. cit.*, p. 263.

[6] Doble, *St Gerent* ('Cornish Saints' Series, no. 41, 1938), pp. 21, 22.

question how far the defeat of 722 had checked the process of English settlement in Cornwall. In the modern Cornish hundred of East, which borders on the Tamar, we find that of 625 names for which early forms have been collected, as many as 325 are English. The proportion in the southern division of the hundred, roughly between the Lynher and the sea, is 40 per cent, and in the northern, between the Inny and the Ottery, 45; but in the middle division the average is 65, and it rises above 80 in the parishes of St Mellion, St Dominick, Calstock, and Stoke Climsland, the district where Glastonbury had acquired a temporary foothold in Ine's reign. But taken as a whole, the figures are in marked contrast with those for Stratton, the northernmost hundred of Cornwall. Throughout this hundred the proportion of English names is over 90 per cent.[1] The topographical and documentary evidence, therefore, is consistent with the supposition that the reverse at Hehil retarded English settlement across the lower Tamar, and even perhaps led to a withdrawal from positions previously occupied, but that in north Cornwall its effects were slighter and less permanent. The contrast between the overwhelming preponderance of English place-names in the far north, and their relative paucity in the south, would hardly have been so marked if the whole process of settlement had required to be started afresh after Egbert's conquest.

The lesser density of settlement across the lower Tamar helps to explain the political arrangements that were instituted, now or soon afterwards, by the government of Wessex. Kings of a sort continued to reign in Cornwall; the *Annales Cambriae* record the death of one of them, named Dumgarth, in 875. For the Celtic inhabitants the tribal code of West-Wales was perhaps not yet superseded by the law of Wessex. To keep the English colonists in order, the king of Wessex appointed two high-reeves. These officials collected their king's dues in money and in kind; they probably also heard local pleas in a judicial capacity and acted as commanders in warlike emergencies.[2] One of them fixed his headquarters at Stratton, and took charge of all the English settlements in the district of Trigg: that is, in the modern hundreds of Trigg,

[1] J. J. Alexander, in *Trans. Devon. Assoc.*, lxv. 371, 372, and lxvi. 298, 299, from statistics supplied by J. E. B. Gover.

[2] Cf. H. M. Cam, *Liberties and Communities in Medieval England* (Cambridge, 1944), pp. 84–6; Stenton, *op cit.*, pp. 297, 475.

Lesnewth, and Stratton. The sparser settlements to the south were administered from Lifton, a royal manor just across the Tamar on the Devonshire side.[1]

From the next king, Æthelwulf (839–55), Glastonbury received a grant of 'Occemund', now Monk Okehampton,[2] and from his successor, Æthelbald (855–60), ten hides at 'Brannocmynstre'. There is no Brannocminster on the map today, but the Celtic name Brannoc occurs in Branscombe, on the south coast, and also in Braunton, the burial-place of St Brannoc, to whom the parish church is dedicated.[3] Branscombe is ruled out, for Æthelbald's donation, we are told, was *ad capturam isiciorum*, and *isicius* means a freshwater fish, most probably salmon.[4] This seems decisive in favour of Braunton, where in the thirteenth century rents were paid in salmon, and where salmon-fishing is still carried on today, at the mouth of the river Taw. Here, then, we have the earliest known reference to a local industry which has kept its economic importance down to the present time.

Æthelbald's brother and successor Æthelbert (860–66) gave Sherborne eight hides at 'Tauistoke'. This may be either Tawstock in north Devon, or Tavistock in the south; the probabilities are about equal.[5] When Alfred the Great drew up his will, *c.* 881, he directed that the lands in Trigg, dependent upon Stratton ('thæs landes æt Strætneat on Triconscire'), should go to Edward

[1] As appears from Alfred's will (below, p. 115). See also W. G. Hoskins and H. P. R. Finberg, *Devonshire Studies* (1952), p. 24, note, where it is shown that the connection between Lifton and Cornwall persisted, though in an attenuated form, well into the thirteenth century.

[2] *AD*, pp. 69, 99; *JG*, pp. 42, 108, 371. For the identification, cf. *The Place-Names of Devon*, p. 154, and Ekwall, *op. cit.*, p. 332.

[3] *The Place-Names of Devon*, p. 32; *Trans. Devon. Assoc.*, lxx (1938), p. 273.

[4] *AD*, pp. 69, 70, 99; *JG*, pp. 42, 109, 371. In the first chapter of his *Ecclesiastical History*, Bede says that the rivers of Britain are particularly abundant in *issicii* and eels. Stapleton translates this 'lampreys', but Henry of Huntingdon, who repeats the statement in Bede's words, elsewhere uses *murena* for the lamprey (*Historia Anglorum*, ed. T. Arnold (Rolls Series, 1879), pp. 5, 254).

[5] The assessment is nearer to the Domesday assessment of Tawstock (5 hides) than to that of Tavistock (3½ hides). In favour of Tavistock is the fact that it is on the way to Callington, where the bishop of Sherborne already had an estate.

the Elder. To his younger son, Æthelweard, he assigned 'Liwtune [Lifton] and the lands belonging thereto, that is, all that I have among the West-Welsh except Trigg'.[1] The lesser density of English settlement in the south of the peninsula is reflected in the document known as the Burghal Hidage. Of the 500 hides charged with the upkeep and manning of the two westernmost strongholds, 360 were assigned to Pilton, the northern *burh* near Barnstaple, and only 140 to Lydford, which is eight miles east of Lifton.[2] But that colonization now extended to the Tamar, if not further, is proved by the fact that Sherborne possessed a minster with a considerable estate at Plympton on the eastern shore. This property Edward the Elder took into his own hands, giving Sherborne three Somerset manors in exchange.[3] His motive was probably the same as when he acquired Porchester in 904 by exchange with Bishop Denewulf of Winchester;[4] he wished to secure the two greatest harbours on the south coast against Viking invaders. The same policy may well have led him to acquire Maker, on the opposite shore of the Tamar. At any rate, by 1066 Maker had passed from Sherborne to the crown, and had been annexed to the Devonshire hundred of Walkhampton. It remained in the county of Devon, anomalously, until 1844.[5]

Already in the lifetime of Alfred the Great it had become clear that the partition of the vast Sherborne diocese could not be long deferred. A preliminary move in that direction had indeed been made. Asser, the Welsh ecclesiastic who wrote Alfred's life, relates that Alfred 'gave' him 'Exeter, with all the diocesan territory (*parochia*) belonging to it in Devon and Cornwall'.[6] This statement has often been discussed, and not infrequently misunderstood. By 'Exeter' here Asser means the monastery in that city where the boy Wynfrid, better known as St Boniface, went to school. The endowments of this monastery were used to provide Asser with an income while he exercised episcopal functions in Devon and Cornwall, not as a bishop with a diocese of his

[1] *CS*, ii. 177, 178 (no. 553). For the date, and the identification of Liwtune, see *Trans. Devon. Assoc.*, lxx (1938), pp. 104–10.

[2] *CS*, iii. 672 (no. 1335). [3] *Ibid.*, ii. 268 (no. 610).

[4] *Ibid.*, ii. 274 (no. 613).

[5] *Devonshire Studies*, pp. 25, 26.

[6] Asser, *Life of King Alfred*, ed. W. H. Stevenson (Oxford, 1904), pp. 68, 321.

own, but as an auxiliary to the bishop of Sherborne. Strictly speaking, his position was uncanonical. Ever since the fourth century canon law had insisted that there should be only one bishop in each diocese, with his cathedral in some urban centre, and with no *chorepiscopus* deputizing for him in the rural districts. Nevertheless, the needs of aged and infirm prelates, and of those responsible for very large territories, could ultimately be met only by the appointment of deputy bishops. Willibrord, the apostle of Frisia, was assisted in his last years by a *chorepiscopus*, and Boniface himself, although Pope Zacharias at first refused him permission, finally obtained similar assistance. The example of these great Anglo-Saxon missionaries was decisive; the number of *chorepiscopi* grew quickly, both in their native country and in the Frankish Church, until, in the middle of the ninth century, the compilers of the Pseudo-Isidorian Decretals made a fresh attempt to drive the institution out of the Church.[1] More than one passage in the ecclesiastical history of south-west England which has perplexed earlier writers can be explained by the presence of these *chorepiscopi*. Asser, until he was himself promoted to the see of Sherborne, acted as *chorepiscopus* in Devon and Cornwall. Tradition has preserved the names of two other bishops, Wærstan and Putta, who followed him, with their headquarters at Bishop's Tawton.[2]

In 909, on the death of Asser, the existing diocese of Sherborne was formally divided into three. Dorset remained to Sherborne; Somerset was made into a new bishopric, with its see at Wells; and Devon and Cornwall into another, under a diocesan bishop who fixed his see at Crediton. It was natural that on taking over this part of the Sherborne jurisdiction, the bishop of Crediton should also take possession of the endowments that had been given for its maintenance.

Some twenty years later the work begun by Egbert was completed by Athelstan. William of Malmesbury, the only chronicler who has reported these events, states that Athelstan, after assert-

[1] Levison, *England and the Continent in the Eighth Century*, pp. 65–8.

[2] The tradition concerning the Tawton bishops was first put in writing *c.* 1580 by John Hooker of Exeter, who is not likely to have invented it. Hooker had access to episcopal records now lost. Cf. J. R. Chanter, 'Tawton—the First Saxon Bishopric of Devonshire', *Trans. Devon. Assoc.*, vii (1875), pp. 179–96; but Chanter has not perceived that Wærstan and Putta were only *chorepiscopi*.

ing his supremacy over the Welsh princes, turned against the Cornish Britons,

> and attacked them with great energy, compelling them to withdraw from Exeter, which until that time they had inhabited on a footing of legal equality with the English. He then fixed the left bank of the Tamar as the shire boundary, just as he had made the Wye the boundary for the north Britons. Having cleansed the city of its defilement by wiping out that filthy race, he fortified it with towers, and surrounded it with a wall of square-hewn stone.[1]

In another passage, William of Malmesbury recognizes that Cornwall had been 'subjugated' by Egbert a hundred years before.[2] We have seen how complete that subjugation was; it enabled Egbert to annex large domains to the Wessex crown-land, and to make handsome gifts to his Church. On the other hand, it has already been suggested that while the English settlers in Cornwall were governed by the laws of Wessex, the Britons, even in Devon, may have remained subject to their own West-Welsh law and custom, like those inhabitants of Caerleon who, much later, are described in Domesday Book as *lege Walensi viventes*.[3] The name of one hamlet, Walreddon near Tavistock, has been taken to mean 'community of Britons', and there may have been autonomous groups elsewhere in Devon, even in Exeter itself, where the parishes of St Petroc and St Kerrian, with their Celtic dedications, have been supposed by some authorities to be the site of a British enclave.[4] This seems to be the most reasonable construction that can be placed on the statement just quoted from William of Malmesbury, that there were Britons inhabiting Exeter *aequo jure* with the English.

The name of a Cornish king, Ricatus, has been found on a cross at Penzance which is unlikely to be earlier than the beginning of the tenth century.[5] But it seems certain that the dynasty came to

[1] *Gesta Regum*, ed. W. Stubbs (Rolls Series, 1887–9), p. 148.

[2] *Ibid.*, p. 106.

[3] *Domesday Book* (= *DB*), i. 185 *c*.

[4] T. Kerslake, 'The Celt and the Teuton in Exeter', *Archaeological Journal*, xxx (1873), pp. 211–25. Kerslake added four more parishes, St Pancras, St Paul, All Hallows in Goldsmith Street, and St Mary Arches, though admitting that these dedications might be English.

[5] H. O'Neill Hencken, *The Archaeology of Cornwall and Scilly* (1932), p. 248; R. A. S. Macalister, *Corpus Inscriptionum Insularum Celticarum* (Dublin, 1945–49), ii. 181.

an end about this time, and its extinction probably gave the signal for measures designed by Athelstan to bring Cornwall more fully into the politico-ecclesiastical orbit of Wessex. There can be no doubt that Athelstan devoted much attention to south-western affairs. He held several councils in Devon, notably at Exeter in 928 and at Lifton in 931. At some date before 1066 the six tribal divisions or 'small shires' of Cornwall—Trigg, Pyder, Powder, Wifel, Winne, and Penwith—were reorganized as hundreds on the English model. This transformation may well have been the work of Athelstan,[1] and coupled with the imposition of Wessex law over the whole peninsula, it may have provoked resistance serious enough to call for military action.

We are better informed concerning Athelstan's dealings with the Cornish Church. A charter is extant which records his gift of seven parcels of land to the church of St Buryan. The text of the charter as we have it is unsatisfactory, and its date (943) is manifestly wrong, but it is probably based on a genuine original.[2] Tradition also names Athelstan as a benefactor to the churches of Bodmin, Padstow, and Probus.[3] With more certainty it can be stated that he attached a large endowment to St Germans, and made it the seat of a bishop, at the same time appointing a bishop with a British name, Conan, to officiate west of the Tamar.[4] This was in 926, according to a charter which Leland saw, but

[1] Hundreds cannot be traced in England before Edmund's reign (939–46), but there is reason to believe that they were then already an established institution (Stenton, *op. cit.*, p. 296).

[2] *CS*, ii. 527 (no. 785). For a useful discussion of the textual difficulties, marred only by the writer's belief in Athelstan's mythical expedition to Scilly, see C. Croft, 'King Athelstan and the Parish of St Buryan', *Devon and Cornwall Notes and Queries*, xxiii (1949), pp. 337–42. Henderson says that 'Athelstan established a college of secular canons on the site of the hermitage of St Beriana' (*Cornish Church Guide*, p. 67). The charter does indeed refer to *clerici* there, but says nothing to suggest that they were of recent institution.

[3] Henderson, *op. cit.*, pp. 59, 174, 187. E. H. Pedler (*The Anglo-Saxon Episcopate of Cornwall* (1860), p. 72 *n.*) remarks that 'in former times there seems to have been a prevailing desire in Cornwall to claim an origin from king Æthelstan'. Thus a gift of Newton St Petroc, Devon, to the church of Bodmin, really made by Eadred (946–55), was ascribed to Athelstan, and a charter was concocted to support the attribution (*CS*, ii. 433 (no. 725); cf. *HS*, i. 701, and Pedler, *op. cit.*, p. 152). These ascriptions at least testify to the enduring and beneficent quality of Athelstan's work.

[4] Or, as Dunstan put it, 'as far as the Tamar flowed' (*Crawford Charters*, p. 19).

which has since disappeared.[1] For his further support, the Cornish bishop was allowed to enjoy the usufruct of three manors, Lawhitton, Callington, and Pawton, which had devolved from Sherborne to the bishop of Crediton.

If Athelstan had wished to draw a boundary-line between the Celtic-speaking natives and the English-speaking colonists who had settled in Cornwall, the Lynher rather than the Tamar would have been the obvious frontier. By fixing the Tamar as the shire-boundary he made a substantial concession to native sentiment. His benefactions to Cornish churches, and his appointment of a Cornish bishop, were dictated by the same policy. In the final impression, Athelstan stands out not as a victorious war-lord marching in triumph down the peninsula, but as a statesman blending firmness with conciliation, and thereby perfecting a work that has endured unquestioned from his day to ours.

A succession of eminent authorities have interpreted Athelstan's appointment of Bishop Conan to St Germans as the creation of a regular diocesan see for Cornwall.[2] In reality, as the sequel shows, Conan was merely a *chorepiscopus* acting for the bishop of Crediton, who remained in paramount charge of the undivided bishopric, and, while giving up the revenue from three manors, retained possession of the other episcopal estates in Cornwall. An entry in the Bodmin Gospels records a number of manumissions carried out there 'for King Eadred and Bishop Æthelgar' of Crediton.[3] When Conan died, Eadred's council advised that the arrangement respecting the three manors should be continued for his successor's benefit; and the same decision was taken *c.* 963 when Bishop Wulfsige was appointed to St Germans. But on the death of Wulfsige the bishop of Crediton put in a claim to the estates. Æthelred II then referred the matter to Archbishop Dunstan of Canterbury, who wrote a letter in reply, tracing the history of the three manors back to Egbert's conquest. The archbishop ends by giving his opinion that the manors ought by right to go to the bishop at St Germans, or, as he styles him, the 'shire-bishop'.[4] He evidently felt that the

[1] *HS*, i. 671; the editors remark that Leland wavers between 926 and 936, but the former is certainly right, for Bishop Conan attests charters in 931, 932, and 934 (*ibid.*, p. 676).

[2] Stenton, *op. cit.*, p. 433; Henderson, *op. cit.*, p. 98; Stubbs, *ibid.*, p. 20; Stevenson, in *Crawford Charters*, p. 104.

[3] *HS*, i. 679.

[4] *Crawford Charters*, p. 19. Neither this letter, nor the well-known

time was ripe for detaching Cornwall from the diocese of Crediton; and a few years later the government came round to this view. In 994 Æthelred gave Bishop Ealdred of St Germans a charter establishing a see in Cornwall with full diocesan jurisdiction. The charter decrees that Ealdred's bishopric shall be 'free, and subject to him and all his successors, so that he may govern and rule his diocese as the other bishops of my realm do theirs'.[1]

The ecclesiastical autonomy thus tardily conceded was destined to be short-lived. It led to a conflict of interest between Crediton and St Germans, in which Crediton was finally victorious. Lyfing, bishop of that see, who stood high in favour with Cnut, persuaded him to let him hold St Germans as well as Crediton. His successor, Leofric, also held both sees, but the union remained merely personal until 1050. Then Leofric sent one of his clergy, named Landbert, to Rome, with the object of enlisting papal support for a move which he had planned. The envoy represented to the pope that Crediton was a mere *villula*, and as such far less suitable for an episcopal see than the fortified city of Exeter. The highest authorities of the Church had always frowned upon bishops who set up their cathedrals in rural centres. Leo IX was therefore easily persuaded to approve the transfer and to recommend it to King Edward. In his negotiations with the government at home, Leofric stated the case rather differently. He urged that as a result of the Danish invasions both his bishoprics were impoverished, and that Exeter, the only town of any strength in the two shires, was also the seat of an old monastery, now much decayed, the property of which would make a useful addition to his resources. It was true that the monastery had lost all its possessions except one small estate at Ide, but it had claims to a number of others, claims which Leofric was ultimately to succeed in making good. These arguments convinced King Edward, who presently came down to Exeter, and in the presence of the queen and the whole court solemnly

narrative in the Leofric Missal, refers to any part of the episcopal domain except the three estates in question; that is why scholars until now have not appreciated the full extent of Egbert's benefactions or of the Crediton property in Cornwall.

[1] Dugdale, *op. cit.*, ii. 535. The charter appears to contemplate the removal of the see from St Germans to Bodmin, as a precaution against Danish raiders. On this see *Devonshire Studies*, p. 29 and *n.*

installed Leofric in the old monastic church. A royal charter was then promulgated, fixing the episcopal see there and annexing the monastery to the bishopric. At the same time the charter decreed that from henceforth the two bishoprics of Devon and Cornwall should be amalgamated. It cannot be taken for granted that the pope would have agreed to this amalgamation, if he had been asked. The evidence suggests that he had been neatly circumvented.[1] For pluralism, then as now the obvious expedient for a church in financial straits, was prohibited by canon law; and by this union of bishoprics Leofric had ceased to be a pluralist. With that stigma removed, and with his see established in an urban centre, his position was canonically unimpeachable.

By way of epilogue, a few words may be added on the descent of the estates with which this study has been concerned. By 1066 many of them had been taken over by other churches, while some had passed wholly or partly into lay hands. The bishop of Exeter, as successor in title to the bishops of Crediton and St Germans, held Roseland, Pawton, and Lawhitton; but Launceston, originally included in Lawhitton, had passed to Harold, that notorious despoiler of churches, who also held Callington and Kilkhampton.[2] Maker and 'Brannocminster' belonged to the king, the latter having been exchanged by Glastonbury in 973 for property in Somerset.[3] A layman named Wulfnoth held two other Glastonbury manors, Brampford Speke and Monk Okehampton.[4]

The shrinkage of the old Sherborne endowments is sufficiently

[1] The full account of the negotiations given in the Leofric Missal, fos. 3–5, is printed in *HS*, i. 691, and Edward's charter in *Ordnance Survey Facsimiles of Anglo-Saxon Manuscripts*, ed. W. B. Sanders (1878–84), ii, Exeter, no. 13. The terms of the charter ('hoc tamen notum papae domino in primis Leoni facio ipsiusque attestatione confirmo') referring to the amalgamation of the bishoprics, and the absence of any allusion to the subject either in the account of Landbert's mission or in the pope's letter, are pretty clear indications that it had not been discussed at Rome. For the fifteen estates formerly belonging to the Exeter minster and recovered by Leofric, see Dugdale, *op. cit.*, ii. 527.

[2] I follow Henderson in identifying the Trigel of the Exon Domesday with Tregear in Roseland (*V.C.H. Cornwall*, part viii. 68, 103). For Kilkhampton, Callington, and Launceston, see *ibid.*, pp. 65, 72.

[3] *CS*, iii. 608 (no. 1294).

[4] Brampford: *CS*, ii. 533 (no. 799); Ekwall, *op. cit.*, p. 526; *Trans. Devon. Assoc.*, lxx (1938), pp. 253–75; *AD*, p. 102; *JG*, p. 377; *DB*, iv. 123. Monk Okehampton: *DB*, iv. 267.

explained by the division of the bishoprics. It seems clear that the kings of the Old English line exercised far-reaching powers of resumption, which enabled them, when they saw fit, to redistribute the endowments of the churches. But the process was not relished in episcopal circles, and from the twelfth century onwards the bishops withstood any further repartition of their endowments. Hence the perpetuation of such absurdly large and overwealthy bishoprics as Exeter and Lincoln.

APPENDIX

## THE BENEFACTORS OF SHERBORNE

The list in Cotton MS. Faust. A. ii is given in summary form below, with the items rearranged in chronological order. Some of the place-names are hard to identify, and some have clearly been miscopied by the scribe. Nevertheless the list will repay further study; it abounds in matter of historic interest.

| | |
|---|---|
| Cenwalh (643–72). | Lanprobi, 100 hides (church of St Probus, Sherborne). |
| Ine (689–726). | juxta Prediau, 7 h. (? Priddy, Somerset). |
| | Conbusburie, 20 h. (Congresbury). |
| Geraint (*c.* 710). | Macuir, 5 h. (Maker). |
| Cuthred (740–56). | in Lydene, 12 h. (valley of the Lidden, Dorset). |
| | Cornscumbe, 10 h. (Corscombe, Dorset). |
| | at Mendip, 25 h. |
| Sigeberht (756–57). | Boselingtone, 5 h. |
| | Est Canne, 7 h. (East Cann, Dorset). |
| Offa of Mercia (757–96). | Poterne (Potterne, Wilts).[1] |
| Cynewulf (757–86). | Pidel, 5 h. (Piddle or Affpuddle, Dorset). |
| | Lym, 1 h. (Lyme Regis, Dorset).[2] |
| | Snarstok, 6 h. |
| | Talre, 8 h. (Toller, Dorset). |
| | Wegencesfunte, Aueltone } 30 h. (Alton Pancras, Dorset). |
| | Crutesdune, 36 h. |
| | Wytecumbe (Whitcombe, Dorset). |
| | Wlueue (Wellow, Somerset).[3] |
| Egbert (802–39). | juxta Ceruel, 10 h. (Cerne, Dorset). |
| | Power, by the river Woch, 7 h. (Poorton or Poorstock, Dorset). |
| | juxta Pedridun, 10 h. (valley of the Parret). |
| | Awambruth, 4 h. (Wambrook, Somerset). |

[1] No better illustration of the Mercian ascendancy at its highest point could be found than this grant by Offa of a great manor in the heart of Wessex.

[2] The compiler evidently had before him *CS*, no. 224.

[3] *CS*, no. 200, is a grant by Cynewulf, dated 766, to St Andrew's, Wells, of eleven hides by the river 'Weluue'.

| | |
|---|---|
| EGBERT (802–39)—*contd.* | Henangre, 12 h. (Henegar in Culmstock, Devon). |
| | Kelk, 12 h. (Kilkhampton, Cornwall). |
| | Ros, Macor } 18 h. {(Roseland, Cornwall). (Maker, Cornwall). |
| | Chesterbled, 10 h. (Chesterblade, Som.). |
| | Winnirod, 15 h. (Winford, Som.). |
| ÆTHELWULF [1] (839–55). | Bradford [2] (Bradford Abbas, Dorset). |
| | Cerdel. |
| | Algerstoke. |
| | Getemynster, 5 h. (Yetminster, Dorset). |
| | Nutherburie (Netherbury, Dorset). |
| | Ethelbaldingham. |
| ÆTHELBERT [3] (860–66). | Enfranchisement of 140 h.[4] |
| | Cernel, 12 h. (Cerne or Upcerne, Dorset). |
| | Tauistoke, 8 h. (Tawstock or Tavistock, Devon). |
| | Stapulbridge, 20 h. (Stalbridge, Dorset). |
| | Cuncton, 8 h. |
| EDGAR (959–75). | Woburnham, 5 h.[5] (Oborne, Dorset). |
| ÆTHELRED II[6] (979–1016). | Atforde. |
| | Clethaugre (? Clayhanger, Devon). |
| | Corescumbe [7] (Corscombe, Dorset). |
| CNUT (1016–35). | Corescumbe [8] (Corscombe, Dorset). |

[1] *Athulfus* MS.

[2] *CS*, no. 695, is a grant by Athelstan, dated 933, to Sherborne of 'Bradanford'.

[3] *Athertus* MS.

[4] Cf. *CS*, no. 510.

[5] Cf. *CS*, no. 1308.

[6] Or possibly Æthelred I (866–71).

[7] Kemble, *Codex Diplomaticus*, no. 1309.

[8] *Ibid.*, no. 1322.

# POLITICAL NONCONFORMITY IN THE EIGHTEEN-THIRTIES

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'TO write of Nonconformity and Dissenters', said Calamy, 'is in the esteem of some men to write of schismatics and rebels. To commend them is little better than to write in praise of Nero.' But far less exciting! Did not Father Waggett once admit, when preaching on behalf of the Additional Curates Society, that his theme had no romance about it; for what, he said, could be more depressing than the thought of a curate, unless, indeed, it were the thought of an additional curate? We likewise, as we survey the fascinating complexities of the eighteen-thirties, may well ask, what could be more depressing than the thought of a nonconformist, unless, indeed, it were the thought of a political nonconformist? And yet, after 1832, nonconformists were bound to enter politics. But would it be as individual voters who happened to be nonconformists, or would it be as members of a more or less organized group? Was it, in fact, possible to make the distinction, which many Anglican controversialists attempted, between 'pious Dissenters' and 'political Dissenters'? And, anyhow, was it fair to use the word 'political' as a term of censure in a country which had a Church established by act of parliament, and with special rights and privileges reserved by law to that Church, so that any discussion of its position, whether friendly or hostile, could not fail to be political?

In this border region between religion and politics the Nonconformist position has not yet been fully elucidated. Many references appear, naturally, in the ordinary political narratives and in the more specifically denominational histories, but they tend to be isolated, dealing with particular incidents and not much tied together into a coherent whole. Needless to say, I am not hoping to make good this deficiency here; all I am hoping to do is, on the one hand, to draw attention to sources of information

which have not yet, I think, been sufficiently used and, on the other, greatly daring, to criticize the handling of the subject by the historian who is, I suppose, the most widely esteemed authority on the period. I ought, further, to confess that it is hard for me to be entirely unbiased, since all my forebears have been Dissenters and, right in the middle of the time I am considering, in 1835, one of my great-grandfathers became treasurer of the Baptist Missionary Society.[1] In this connexion, it should not be thought that Dissenters did not know how to enjoy themselves. Let us not forget the rollicking evening they had had on 18 June 1828, at the banquet to celebrate the repeal of the Test and Corporation Act. Over four hundred persons attended, including three Roman Catholic peers and the Russian ambassador, who had expressed a particular desire to be present. The cost of the tickets was two guineas (with a reduction of 2*s.* 6*d.* if no champagne was drunk), and the party went on for seven and a half hours, there being twenty-four toasts, most of which were proposed, at some length, by the duke of Sussex and all of which were taken down in shorthand by my great-grandfather!

In a situation which is often confused and uncertain, two points, both very familiar, must always be borne in mind: that the Protestant Dissenters considered that they were suffering from grievous practical disabilities, and that, although religious questions figured prominently in the parliaments of the time, they were mainly, though not exclusively, concerned with the Church of Ireland. Three further points should be remembered. First, the Whig Governments, except in the years immediately after 1832, had so small a majority that they were in a sense dependent for their existences on the tolerance of the Tories, so that bold action was impossible, and all except the most extreme Dissenters were content, through fear of a Tory Government, to be moderate in their denominational demands. Second, the Whig acceptance of this admittedly unsatisfactory position was conditional upon Peel and the Duke being able and willing to restrain the House of Lords from being completely intransigent. Third, the Radicals in the House of Commons became during these years increasingly restive until their setback in 1837, and would have welcomed a

[1] William Brodie Gurney, Official Shorthand-writer to both Houses of Parliament.

general election fought on an anti-House of Lords cry should the Lords be so injudicious as to give them an excuse for one.

In the parliament of 1833 there were less than a dozen Dissenters: five or six Unitarians; a Quaker, John Pease; a Wesleyan, Wilks, soon to be expelled from his denomination; and a Bible Christian, Joseph Brotherton. The first Congregationalist, Edward Baines, was elected at a by-election in December. But in the country there were enough of them to breed confidence, excessive confidence, in themselves and apprehension, excessive apprehension, in Anglicans. They were getting better organized than they had been—the Congregational Union dates from 1832—and they had a good deal of denominational journalism at their disposal. It is here, I would suggest, that there is a source of information which has been somewhat neglected. It is from it, rather than from the better known parliamentary proceedings or the secular newspapers, that the Dissenting position can often most clearly be discovered.

What, then, were the chief Dissenting journals and what was the general nature of their contents?

In many ways the most solid, if not the oldest or liveliest, was the *Eclectic Review*, a monthly organ of the Congregationalists, which went back to 1805.[1] It did not confine itself to purely religious topics. It never had done so, and in its very first issue it had suggested that the country in general, and London in particular, was suffering from too much capital punishment and not enough education. It is perhaps significant of the growing importance of Nonconformity that three new journals, or old ones altered in size and form, should have appeared in 1834: the *Congregational Magazine*, edited by Blackburn, the *Christian Reformer*, Unitarian, edited by Aspland, and the *Unitarian Magazine and Chronicle*, edited by Chapman but merged after two issues with the *Christian Teacher*. It is, further, significant of the importance of the Unitarians that they should in that year have had no fewer than six periodicals, since in addition to those already named they had the *General Baptist Advocate*, the *Inquirer*, a weekly publication, and the older *Monthly Repository* which, under the able editorship of W. J. Fox, was the liveliest of all the Nonconformist journals. It had recently become increasingly political, and the purely religious side of Unitarianism is to be looked for rather in

[1] In 1834 the editor and proprietor was Josiah Conder, author of at least one well-known hymn.

the *Christian Teacher* and the *Christian Reformer*. The *Baptist Magazine* went back to 1809. The orthodox Dissenters had also the *Patriot*, started by Conder in 1832, and the *Christian Advocate*, both of these being more extreme and less solid than the others. The Wesleyans can barely be reckoned as Dissenters on any issue which combined religion with politics, but their journal, the *Wesleyan Methodist Magazine*, was by this time half a century old.

I do not pretend to have done more than scratch the surface of this field of information, but I am convinced that a detailed study of all the journals for the whole of the decade would be laborious but remunerative. Merely as samples, I propose to look at some of the contents of the *Eclectic* and the *Monthly Repository*, in the critical years 1834 and early 1835, as representing the more sober but definitely political forms of, respectively, orthodox and unorthodox Dissent.[1] Both journals have much solid matter in them, apart from records of and comments on current affairs—travel, biography, ancient history, book-reviews and, in the *Repository*, a series of articles on Plato's *Dialogues*, and two of Browning's earliest poems, both appearing over the initial 'Z'.[2] The circulation of each was limited and the subscription rates fairly high,[3] but the readers were clearly men of education and intelligence, interested in serious matters and capable of following serious arguments.

In what topics, then, were they most interested? Leaving aside for the moment the crucial issues of Education and the Establishment, we find them in agreement in disapproving of impressment for the navy and in approving, though with some qualifications, the Poor Law Amendment Act of 1834.[4] They both protested vigorously against the 'dismissal' of Melbourne, but they differed over their attitude to the Whigs. The *Eclectic* was definitely on their side, but the *Repository*, representing, it must be remembered, the more political wing of Unitarianism, had a general but not undiscriminating sympathy with the radicals. The menace of the hereditary peerage was ever present to the mind of the editor, and at the beginning of 1834 he was suggesting that a great

[1] Abbreviated in the footnotes as *E.R.* and *M.R.*

[2] *Porphyria* (*sic*) and *Johannes Agricola in Meditation*, both in 1836. In 1833 there had been a review, with lengthy quotations, of Browning's first poem, *Pauline* ('whoever the anonymous author may be, he is a poet').

[3] *M.R.* 1*s.* 6*d.* a month, *E.R.* 2*s.* 6*d.*

[4] 'The redeeming Act of an unproductive session,' *E.R.*, 1834, ii. 412.

opportunity had been missed when peers had not been created in 1832, for the supremacy and independence of the House of Commons were by no means yet assured. 'So long as public spirit is living and public intelligence is growing all is right; let Tories rage and Radicals blunder and Whigs compromise and Courts deceive'—and then comes the almost inevitable quotation—

'Nought shall make us rue
If England to herself do rest but true.'[1]

All the same, the immediate prospect was far from bright and by the middle of 1835 the House of Lords question appeared as almost the issue of issues. Halévy suggests that the Unitarians did not object to bishops in the House of Lords, but if they did not make their exclusion a specific demand, and several of them did, it was because they had a still more radical plan in view.

The debates on the Corn Laws and the budget gave the *Repository* a further chance of complaint. 'We will yield nothing to reason, say the Whig Ministry, but everything to clamour. These are the men who call Radicalism dangerous.' And then we come to leadership. Among the pigmies O'Connell appears a giant; 'he is almost the only public man now living who is, in himself, something, who has influence of his own and is not one of those whose influence is only that of the place they fill in the party of which, for the moment, they may happen to be the representatives.' Other M.P.s who get an appreciative mention are the Unitarian Whittle Harvey ('whose denunciation of the trimming policy of Ministers was highly effective'), Gisborne (in the same connexion), Warburton ('the beer bill passed in spite of his meritorious efforts') and above all Roebuck, 'whose advocacy of education, as of everything else, is that of a person really earnest about it . . . he already occupies a station of honour and importance . . . he alone of the younger members is rapidly rising in estimation.' 'He alone', for the 'little band of philosophic radicals' is in general disparaged, 'nearly the last men to avow publicly the opinions which they were, perhaps, the first to adopt.'[2] This is indeed damning with faint praise, and is a good example of the differences not merely between radicals and even left-wing Whigs but between the radicals themselves.

Two of the radical leaders have thus received, so to speak, an

[1] *M.R.*, 1834, pp. 4–7. [2] *M.R.*, 1834, pp. 236, 358–60 369, 528.

'honourable mention' and later in the year a third makes his appearance, with a reference to the 'most noble and encouraging words' spoken by Lord Durham at the famous Edinburgh Dinner. Later on, he is addressed more directly: 'your open, manly, uncompromising declaration of sentiments held in common with the mass of the people', and so on. 'You are the Minister of the people's choice.'[1] This may have been so, but he was not the minister of Melbourne's choice, and with Durham's exclusion from the cabinet one, and an important, phase of the political drama comes to an end. It is intriguing, but futile, to speculate on what might have happened had Durham come back to office and had a more radical programme been in consequence adopted.

The political heroes of the Congregationalists were a very different set: Baines (naturally), Abercromby (soon to become Speaker), E. J. Stanley (a Government Whip), H. Lambton, R. Wilson and Charles Tennyson; above all, the Wesleyan Wilks who won the special commendation of the *Congregational Magazine* for his 'unremitting exertions in reference to the important subject of the Registration of Births, Marriages and Deaths.' Their general trend, though Whig, was Whig only with qualifications. The Government ought at any rate to be warned of the consequences of inaction: 'radicalism will never become formidable till reform stops and till the people, finding themselves betrayed by their guardians, become mad enough to avenge upon themselves the crimes and follies of their rulers.'[2]

This faith in the Whigs, sorely strained by their attitude to Church reform, comes out best in an interesting account by Baines of how, early in 1835, he had been invited by an M.P. (unnamed) to join a radical group. As printed in his son's *Biography* the names of those in the group are tantalizingly omitted and are probably not now to be recovered,[3] but it is interesting to find in the anecdote not merely the conventional radical prophecy that they, rather than the Whigs, are the party of the future, but also the suggestion that Warburton, and not, as we might have expected, Roebuck or O'Connell, should be the leader. Baines' reply is only what might have been anticipated. 'I need

[1] *M.R.*, 1834, pp. 739, 885–7; even in 1835 the *M.R.* was asserting (p. 261) that 'sooner or later the office of Premier must be wielded by Lord Durham'.

[2] *E.R.*, 1834, i. 239.

[3] But they are referred to as 'the more respectable' members of the party.

only say that I should very much regret to find that his view of the subject was the correct one, as I had always considered the Whigs the mainstay of the country, that I still considered them so, and that with these sentiments I must adhere to that party; at which he expressed his surprise, which was heightened when I said I could not join him and his friends.'[1] What is really surprising is that the radicals should have ever hoped to get him. His line was that held by orthodox Dissenters as a whole, as appears throughout the Congregationalist journals, more especially when the Whig ministry was as precariously situated as it was after the return of Melbourne in 1835.

Like the Unitarians, the Congregationalists feared the return of a Tory Government; unlike them, they could not hope that from a certain evil might come a possible good—a consequential, sudden counter-development of radicalism. Therefore, though the left-wing Unitarians wanted, like the Warburton group, the support of the orthodox Dissenters, these for their part were so far from reciprocating the desire that they chose that particular moment to take an action which made cooperation wellnigh impossible. They claimed, through the courts, that Lady Hewley's Charity, established on behalf of the Presbyterians over a century earlier, with an income of £3,000, must be held to have lapsed in favour of themselves, since the Trust had been explicitly Trinitarian whereas by 1834 the Presbyterians had become Unitarians. Both at the first hearing and in the end, though not finally until 1841, the legal verdict went substantially in favour of the Congregationalists, and the Unitarians were not unnaturally embittered. The *Christian Reformer* could not help drawing attention to another case, arising from certain Trusts of the Countess of Huntingdon's Connexion, some of whose ministers, imitating the Independents,

> have employed the name of the Attorney-General to procure for them the blessings of Chancery Law . . . These inconsistent Dissenters[2] have in fact supplied the quivers of the enemies of all improvement with new and barbed arrows, and will learn by degrees that they have been violating the first principle of

[1] *Life of Sir Edward Baines*, by his son Edward Baines (1851), pp. 247–8. A second attempt was made in 1838, but his answer was the same.

[2] 'Inconsistent' because usually the orthodox Dissenters declaimed against the 'withering touch' of endowments.

> religious liberty and betraying the cause of reasonable Dissent . . . At a time when the union of Dissenters was more than ever needed they have wantonly broken them into hostile parties and exposed them to the derision of Tories and High Churchmen of the *Fraser* genus.[1]

The *Eclectic* and the *Repository* were also in considerable disagreement over the question of education, important though both took it to be. The state, the *Eclectic* held, had a right to enforce compulsory education on its children. The *Eclectic* therefore approved of the ill-fated educational clauses in the Factory Bill of 1833 and it noted with pleasure the £20,000 grant, the first grant of public money for education. But it noted with less pleasure, and here comes another instance of the cleavage between orthodox dissent and political radicalism, that of late years 'attempts have been made to sever religion and learning under the pretext, forsooth, of avoiding polemics . . . but this atheistic neutrality cannot be maintained' and, as things then stood, an Eton or a Westminster schoolboy was two-thirds a heathen. The Lancasterian schemes of the British and Foreign School Society were of course the ideal; 'the best thing, then, the Government can do for Voluntary Associations is to leave them alone', but also, apparently, to provide them with money. Further, the *Eclectic*, in a very critical review of Mrs. Trollope's *Belgium and Western Germany*, had been afraid of 'knowledge under a censorship, education by means of a State apparatus and discipline administered by means of a military police.' The schoolmaster does not appear in this guise in England: 'he is only to be found in Germany where he is arrayed in the becoming dress of regimentals, with an Austrian or Prussian cockade.'[2] In taking this line the *Eclectic* was merely saying what most of the critics of continental education said sooner or later: it was un-English, and that should be the end of it.

The *Monthly Repository*, however, thought otherwise. The two existing Voluntary Bodies were sharply criticized: 'an enquiry is wanted into the state of education as searching and comprehensive as that into the administration of the Poor Law'. It had eulogistic

[1] *Christian Reformer*, 1834, pp. 249–50; *Unitarian Magazine*, 1834, pp. 108 ff., 164.

[2] *E.R.*, 1834, i. 1 ff.; ii. 157 ff.

reviews of Sarah Austin's translation, destined to become a classic, of Victor Cousin's famous book on Prussian education. There was also a short notice of Place's tract *The Improvement of the Working People—drunkenness and education*, and of a satirical rejoinder *The pleasure of getting drunk, a working man's reply to Francis Place*. Not only was the subject vitally important, the *Repository* held, but it was closely bound up with the ecclesiastical question, both because of the quasi-monopoly which the Church of England was trying to maintain and because of the wealth of that Church which might so easily, so usefully, so properly be applied to a system of really national education. It was for this reason that the *Repository* took a different line from the *Eclectic* over Church questions.

> All considerations about rival parties, sectarian rights and ecclesiastical inequalities shrink into comparative insignificance before the great question, shall the huge mass of property which is now unworthily held by the hierarchy continue to be so perverted, or be applied to its legitimate purpose, the intellectual and moral culture of the entire population? . . . The public duty is plain;—universal and efficient instruction for children and adults is the great national want; and here is a great national provision which is not only fairly applicable to the purpose but which cannot rightly be applied to any other purpose.[1]

The *Eclectic* had never proposed anything as bold as this, but then its ideal of education was less purely secular and its readers cannot have seen with pleasure, if they did see it, the *Repository's* sarcastic comments on the value of Sunday Schools, in a paragraph with the attractive title *National Immorality cured in Fourteen Years*. This is yet another example of those fundamental cleavages which explain so much of the ineffectiveness of political nonconformity.

Ineffectiveness, but not hopelessness, for after the election of January 1835 it seemed likely that the comparative weakness of the Whigs might dispose them to be conciliatory to the Dissenters so as to prevent them from drifting into radicalism. But the results of the next few years were meagre and disappointing:

[1] *M.R.*, 1834, pp. 63, 383, 502 ff., 605 ff., 798: 1835, p. 7.

the Marriage Act, the Registration Act and the not very satisfactory Charter to London University.[1] The big issues remained unsettled—church rates, admission to Oxford and Cambridge, national education on not too exclusively Anglican a basis and, of course, the central point of the Church Establishment.

By 1839 the chance, if there ever had been one, was lost, not merely because the Church of England had rehabilitated itself, not merely because the Dissenters could not agree among themselves as to either ends or means, but also because the great issues of Chartism and the Corn Laws, together with Whig ineptitude especially over finance and the Colonies, were pushing themselves into the foreground, just as Irish Church affairs had done a few years earlier. When, eventually, Dissenters were freed from their galling obligations and disqualifications, it was only at the cost of much bitterness, bitterness which continued even after the final settlements. For that unhappy result the extremists on each side must bear the blame, though it would not be possible or profitable to say in what proportions. It must also remain a matter of mere conjecture whether wiser leadership in the Whig or Tory party, or both, might not have achieved an earlier settlement and a smaller legacy of embittered feelings.

It is, unfortunately, the nature of extremists to say things that are extreme and, perhaps even more unfortunately, things that are vague and imprecise, just when precision of phrase and definition of terms are most necessary. So it was here. Every now and then, on platforms or in journals, men are found enquiring what exactly is meant by, say, the separation of Church and State, but though they suggest their own definitions they never take us far along the path of finding out what people really meant, or wanted, or expected to get. This vagueness of phraseology is not only a serious handicap to us now in trying to estimate the situation; it was unfortunate at the time, since such extravagancies of language —for this was what it amounted to, even when not accompanied by intemperance of expression—made it hard for the more moderate men on each side either to get at the real intentions of

[1] The Anglican press made no secret of its dislike of these Acts; e.g. the *Church of England Quarterly Review* considered registration 'inadmissible on Gospel principles' and the Marriage Act 'replete with mischief'. The two together were 'laws for which we have no terms of reprobation sufficiently expressive of our detestation' (1837, pp. 140 ff.).

their opponents or to convince their own friends of such degree of reasonableness as they themselves saw in their opponents' case. And there were moderate men on each side, such as Archdeacon Glover of Gloucester, Sir Arthur Faulkner and Dr. Lushington among the Anglicans, Dr. Pye-Smith among the Congregationalists and Dr. Carpenter among the Unitarians. There were Anglicans who recognized the strength of the Dissenters' case against specific grievances, especially their exclusion from Oxford and Cambridge; Anglicans who refused to believe that all Dissenters who wanted Disestablishment wanted it out of greed and envy; Anglicans who accepted the sincerity of Dissenters when they said that Disestablishment did not mean destruction. There were equally Dissenters who were acting on principle, and principle alone, and who genuinely believed that Disestablishment would be as good for the Church in England as it had been, they thought, in North America; Dissenters who thought that there was some value in an Establishment so long as it was not arrogant or monopolistic; Dissenters who would have been content with a modest measure of alleviation of grievances. And all these moderates deplored the vituperative language used by the more intemperate partisans of their own side, especially the two 'converts', 'L. S. E.', Dissenter turned Anglican, and R. M. Beverley, Anglican turned Dissenter.[1]

It is particularly unfortunate when this lack of precision is transmitted to modern historians. With much diffidence, I am increasingly coming to feel that this is a defect even of the great work of Halévy, and I propose therefore now to consider some points where, partly through vagueness of phrasing and partly through incomplete use of evidence, his handling of religious politics seems to me seriously inadequate.[2]

First, his treatment of the Unitarians. 'Their attitude', he says,

[1] Or R. B. Sanderson, formerly Fellow of Oriel College, Oxford, and Presentation Secretary to the Lord Chancellor, who saw in the Church of England (by the circumstances of its origin) the Second Beast prophesied in Revelations xiii (*Essays on the Apocalypse with illustrations from English history*).

[2] E. Halévy, *History of the English People in 1831–40* (1927 edn.). The most important pages for this purpose are pp. 64, 152–4, 159–60, 184–5, 212–14. I quote throughout from the first edition (1927). The second edition (1950) has a few verbal alterations, but these are less close to the French original than are the corresponding passages in the first edition.

'is particularly instructive.' I agree, but what was it? 'Throughout the early years of the century', he goes on, 'they had professed almost without disguise a form of materialism.' This is a singularly vague charge, and quite untrue if it implies that their doctrine and form of worship, repugnant though they were to the orthodox, were devoid of any spiritual content. The same criticism is implicit in his reference to the radical M.P.s of 1833, including the 'group, itself tiny, of those who called themselves Unitarians but were in reality freethinkers and Deists.' These nominal Unitarians he lists as Brotherton, Faithful, Gillon, G. W. Wood and D. W. Harvey, an unfortunate selection, since three, I am pretty certain, were not Unitarians and the two who were, were not merely nominal.[1] There were also in Parliament three practising Unitarians whom he does not mention, M. D. Hill, Edward Strutt and Mark Phillips, and had he gone two years later he could have added a further three, Potter, Thorneley and Bowring, one of whose many hymns ('In the Cross of Christ I glory') has found its way into orthodox hymn-books.

More serious is Halévy's misunderstanding of the attitude of the Unitarian denomination to Church affairs. Stressing their respectability, which is undoubted,[2] he claims that they became 'indulgent' to the Church and 'refused to support the more extreme claims [of the orthodox Dissenters], Disestablishment and the expulsion of Bishops from the House of Lords.' In fact, Bowring, Phillips, Potter and D. W. Harvey all voted for their exclusion, while those who followed Fox and the *Repository* wanted Disestablishment,[3] Disendowment and so radical a transformation of the House of Lords as to make the presence or absence of bishops a minor consideration. In view of the importance Halévy attaches to the Unitarians, it is singular that his only first-hand reference should merely be to the memoirs of one of their ministers, the Rev. Robert Aspland. Aspland was in violent opposition to the Congregationalists and spent much time in

[1] G. W. Wood and D. Whittle Harvey, who comes off badly in the English translation, as he is once bisected into Whittle and Harvey, and three times confused with Harney the Chartist.

[2] Although Sydney Smith, perhaps not entirely seriously, twitted them with being 'ungenteel'.

[3] Cf. also the *Christian Teacher*, 1835, p. 605, 'O happy period, hasten to arrive'.

organizing the defensive Presbyterian Association; but other Unitarians, much as they disliked the Lady Hewley case, still held that cooperation with orthodox Dissenters over specific grievances was not only possible but desirable.[1] Yet Halévy does not once quote from any of their denominational journals, not even from the one started by Aspland. He stultifies his case by calling the *Repository* 'the organ of the sect', because, as I have indicated already, it and its editor went further than the others in their general political line and in demanding not only Disestablishment but Disendowment. Had he wanted to show Unitarian disagreement over means and ends, he would have done better to refer to the interesting and acrimonious dissensions at their meeting on 21 May 1834. Indeed, the best estimates of the various cross-currents in Nonconformity at this time are to be found in the accounts of this meeting, and of the Congregational Annual Assembly in the same month, and in the five important and statesmanlike resolutions issued by the United Committee of Dissenting Deputies a month later.[2]

Halévy's treatment of the orthodox Dissenters is also unsatisfactory. Between the French original and what is in general an excellent translation there are a few minor discrepancies, and one of considerable importance. It arises over the attitude to Disestablishment of the two main Dissenting Journals, when 'ils ne sont favorables aux revendications extrêmes des sectes' has been translated as 'neither the *Eclectic* nor the *Congregational Magazine* was in favour of Disestablishment'.[3] The French is vague and non-committal, the English is definite and untrue—untrue, that is, if words are to be taken to have their usual meaning. Both journals are in fact filled with denunciations of 'the anti-Catholic principles of the Establishment', 'the un-natural and un-Christian alliance', 'the disgraceful connexion between Church and State'. They, therefore, naturally favoured anything which would bring all this to an end, although they emphasized that they had no hostility to episcopalians as such nor any desire to interfere with their liturgy or internal organization save as involved in

[1] E.g. Kenrick, Phillips and, of course, Fox himself.

[2] *Unitarian Magazine*, 1834, pp. 173 ff.; *Congregational Magazine*, 1834, pp. 372–4, 499, 500; *E.R.*, 1834, ii. 89; B. L. Manning, *Protestant Dissenting Deputies*, ed. W. O. Greenwood, pp. 388–9.

[3] Halévy, *op. cit.* French version, p. 148, English translation, p. 159.

the State connexion. It is important to make a distinction, as all but the extremists did, between having hopes of getting disestablishment at some time and in some way and desiring to agitate at once for the necessary legislative steps by which alone it might be got here and now. The *Congregational Magazine* stated the position clearly in January 1834: it found itself at variance with those who would 'immediately petition for dissolution between Church and State', although 'as to the pernicious character of all Church Establishments we quite concur?[1] I hold therefore that the English version, which, after all, is what most of us read, is seriously misleading in saying that 'neither was in favour of Disestablishment'. But it must be admitted that the position was not always as unambiguous and that such phrases as wanting (or not wanting) to 'effect a separation' or to 'interfere with the connection', while they may have been clear at the time (taking into account the known intentions of those who used them) have yet been subsequently a legitimate cause of uncertainty. Apart from ambiguity, there is in these denominational journals a good deal of language which strikes us now as almost offensively sanctimonious, but sanctimoniousness does not necessarily imply insincerity.

Another misleading impression is given by Halévy's estimate of the amount of favour shown by the Congregationalists to R. M. Beverley, the voluminous and vituperative convert from Anglicanism. Apart from the popularity of his pamphlets he relies entirely on the authority of 'L. S. E.',[2] a convert from the other side and obviously a hostile witness, who was confuted at the time by the *Congregational Magazine*.

> If Dissenters had (as he had said) 'exerted themselves to the very uttermost to push these pamphlets into circulation' why did the *Eclectic* not recommend them? Why was *our* Review silent? Let him produce a commendatory passage from one paper, if he can; yea more, let him ask Mr. Beverley himself whether some of the leading Dissenting ministers have not told him that they could not approve of the spirit of his publications.

[1] *E.R.*, 1834, i. 65, 406; ii. 49; 1837, i. preface, p. iv; *Congregational Magazine*, 1834, pp. 62 ff., 113; 1835, p. 562.

[2] 'L. S. E.' was the nom-de-plume of Michael Augustus Gathercole.

In 1837 Beverley came in for a more direct snub, this time from the *Eclectic*: 'he has not the requisite knowledge, and he wants correct judgment: his loose assertions and sweeping conclusions exhibit a rashness of temperament which unfit him for the office of public censor.'[1] Why, in fairness, did Halévy not quote these passages as well as 'L. S. E.'? The answer is, I suspect, that he had not really read these journals thoroughly. I have already referred to the complete absence of specific allusions to the Unitarian press. He does not so much as name the *Baptist Magazine*, although it was the mouthpiece of a numerically important denomination. Even his specific references to the Congregationalist journals are few, and not always concerned with the most important issues. His only two references to the *Congregational Magazine* are about the term 'political dissenters' and about the formation of the Congregational Union. There are five references to the *Eclectic*, twice about the Establishment, the others about temperance, parliamentary representation, and education. This is an inadequate handling of some of the most valuable evidence for dissenting opinion of the time. There is in the January 1839 issue of the *Eclectic* a long article explaining its view of the Dissenters' position since the Reform Bill which would have given Halévy much material had he thought of looking at it.[2]

I may be permitted one final instance in which Halévy rushed to conclusions on very slight and unconvincing evidence.[3] He suggests, in an impressive passage, that by 1838 the Church had obtained a victory which, though precarious, was for the moment complete, a victory towards which important nonconformists had contributed. To use his own words, 'they had hastened to its defence'. But is that so? Of the victory there can be no doubt, in the sense that there was now no fear of disestablishing legislation; but then, there never had been. Church rates remained in existence and Oxford and Cambridge were still the preserve of the Church,

[1] *Congregational Magazine*, 1835, pp. 57 ff.; *E.R.*, 1837, i. 88 ff., where his 'arrogancy and flippancy' are criticized; 'it would seem to be the infirmity of Mr. Beverley's mind to revolt against everything above his own level'.

[2] *E.R.*, 1839, i. 1 ff.

[3] Yet another instance occurs on pp. 84–5: 'The party led by Sir Robert Peel had been known hitherto as the party of the Crown and the Lords. It was now also the party of England', and this merely because the Tories had had a majority of 20 *English* votes (248 to 228) in the Speakership election of 1835.

which by its internal reforms had clearly strengthened itself. But what of those who had contributed so strikingly to its defence? Halévy lists six particular champions, three of whom do not affect the argument since they were Anglicans.[1] A fourth, Chalmers, is also irrelevant, since he was at that time a member of an Established Church.[2] There remain, therefore, only two, Baines and Vaughan, whom Halévy styles 'prominent representatives of nonconformity'.

They can scarcely be accepted as such. Baines usually disclaimed speaking for anybody but himself,[3] and Vaughan was more anxious than most of his fellow-ministers to make Congregationalism acceptable to men of culture and standing.[4] Even if this 'representative' character were admitted, however, the evidence for this attitude will not bear the interpretation Halévy puts upon it. Baines is made to be a Church champion only on the strength of one speech, made in the Church Rates debate of May 1837, when he was clearly anxious not to endanger the specific issue by mixing it up with general considerations.[5] Moreover, however much Dissenters might assert with sincerity that the abolition of Church Rates did not as an inevitable consequence carry with it the abolition of the Establishment, their opponents with equal sincerity always held that it did (e.g. Peel in this same debate), so that on their own showing the Anglicans of the time could not possibly have shared Halévy's view of Baines as a defender. His biographer states categorically that 'he himself repeatedly avowed both in and out of Parliament that Dissenters necessarily objected to the union of the Church with the State',[6] while in 1839 he took a prominent part in organizing

[1] Newman, Gladstone and Sydney Smith.

[2] Halévy makes considerable play with the effect of his lectures in London, but forbears to tell us that they were answered in the following year by Dr. Laidlaw in a way that the Dissenters at any rate (and their publishers) considered satisfactory and effective (Manning, *Protestant Dissenting Deputies*, pp. 390–1).

[3] As Burdett said in Parliament, 'he did not carry all the body of the Dissenters in his belly' (Hansard, 3rd Series, xxxviii. 964).

[4] Rev. Robert Vaughan, D.D., Professor of History in University College, London.

[5] Hansard, 3rd Series, xxxviii. 932. The reference in Halévy, in both the French and the English editions, is incorrect.

[6] *Life of Sir Edward Baines*, p. 197. But I admit, as I have done all along, that *objecting to* is different from *taking energetic steps against*.

the Religious Freedom Society which had as its object 'to use all available means for the separation of the Church from the State'.

Vaughan as a champion of the Establishment is even less convincing. The only evidence produced by Halévy is a paragraph or two from a pamphlet of 1838 on the *State of Religious Parties*, and even here all that the author is doing is to accept, as every man of sense was bound to do, that there was no chance of disestablishing legislation, and to accept also, as not all Dissenters were willing to do, the numerical superiority of the Anglicans. There was therefore for the moment a case for some sort of an Establishment, but it is clear, even from the passages quoted by Halévy, that Vaughan was accepting it only in the light of existing circumstances. Halévy omits a crucial passage, although it is on the same page as his own first quotation; 'we are right in regarding such Establishments as unscriptural and we do right as we endeavour, by a Christian course of argument, to convince men of their mistakes on that subject.' But it is a question of majority and minority, and therefore 'we should not do well to demand that there be no established Church except as we get the population, and the real power of the country, to our way of thinking.'[1]

It is difficult to believe that Halévy can have read much of this book, since its whole trend is at variance with what he suggests it to be. It is, indeed, a defence, but a defence of the voluntary principle, moderate and persuasive, hoping for better relations between Anglicans and Dissenters, accepting the Established Church of England as the denomination of the majority but regretting its past intolerance and apprehensive of the effects of any future extension of 'ecclesiastical favouritism' by the State.[2] Vaughan was confident that the voluntary principle would soon be triumphant, and he made the curious suggestion that in the imminent transitional period some sort of an Establishment might usefully survive in rural areas whereas in the large towns it might be dispensed with. In 1839 he published a second edition of his book in which he stated that he had hoped, early in 1838, 'that the storms of ecclesiastical controversy were in a good measure sub-

[1] *Op. cit.*, 2nd ed., p. xlvii.

[2] 'The two great religious parties in this country—the coercionists and the voluntaryists—are so nearly balanced . . . that nothing could be more lamentable than an open hostility between them. Absolute victory could not be achieved on either side without a frightful loss to both' (*op. cit.*, p. 60).

siding', but that since then these hopes had been dashed by the provocation given to Dissenters by the Church extension schemes in Scotland and the 'extravagant projects breached by English Churchmen through their chosen organ from the North'.[1] 'The half-slumbering fears of the Dissenters in both kingdoms' had been thereby awakened. If Baines and Vaughan were champions 'hastening to the defence of the Church', the Anglicans might well cry out *non tali auxilio*!

I hope that I have been fair to Halévy and have not overlaboured these points, especially those concerned with phraseology, but it is just by his use of words that he makes his impressions of emphasis and assessment. It is these impressions and their emphasis that I am challenging, both because I believe the general effect to be misleading and because an important issue as to the examination of evidence is involved. It is rash to criticize on this score so distinguished a scholar (and one who is, alas, no longer with us), nor do I claim for a moment that my own use of the available sources is in any way exhaustive. I am, however, fairly confident that he generalized from an unnecessarily limited amount of evidence and that this evidence did not always bear the interpretation put on it. Mr. Kitson Clark has given us an admirable general picture of Anglicanism and Nonconformity with which it is hard to find any fault,[2] but on the more purely historical side Halévy is, and rightly, bound to be for most people the accepted authority. This makes it essential that when there are any grounds for questioning his assessments, those assessments should at any rate be put up for re-examination.

To conclude, I am beginning to doubt whether in the 1830's there did exist anything to which the term Political Dissent could appropriately be applied. The Dissenters had then, in spite of the exuberances of Mr. Binney, no firebrand (like the Edward Miall of the 1840's), no militantly political journal (like the *Nonconformist* of 1841), no deliberate attempt at electoral organization (like that of 1847). Occasionally, by withholding their votes, they turned, or thought they turned, the scales against those who had offended them, and they obtained one or two spectacular electoral successes, such as the defeat of Campbell, the Whig Attorney-

[1] Chalmers, on whose 'ill-timed display' he has some severe strictures (*op. cit.*, 2nd. ed., pp. xi–xvi, 37–59).

[2] *The English Inheritance* (1950).

General, at Dudley in '34, of the secularist Roebuck at Bath in '37, of Macaulay at Edinburgh in '47. But these triumphs would have been more impressive had there been more of them, and had the victims been not Whigs or Radicals but such stalwart High-Church Tories as, say, Inglis, Gladstone or, could they have got at them, the bishops of London and Exeter.

The Dissenters were not, then, a unified political group. As the *Eclectic* said in January 1839, 'they are not in themselves a political party or capable of becoming such'.[1] But they *were* Dissenters and they *were* political. How could anybody with any interest in politics fail to view them from the standpoint of his particular church or denomination? At that time, religious matters were such stuff as politics were made of, buried sometimes under more purely secular topics but constantly rising to the top. Nor, of course, can the Anglicans escape from the charge, if it is a charge, of mixing politics and religion. The Establishment was political, the defence of the Establishment was political, and even such apparently secular measures as the Registration Bill and the Municipal Corporations Bill were viewed from the standpoint of their religious implications. Spring-Rice, the Whig Chancellor of the Exchequer, was not entirely wide of the mark when he asked, in the Church Rates debate:—'from the time of the formation of the present Government, what had been the course taken by Honourable Gentlemen on the other side of the House? Why, every question, however purely civil in its nature . . . they had contrived and endeavoured in some shape or manner to convert into a question of religion'.[2] Nor must it go unnoticed that the first issue of the *Church of England Quarterly Review* (January 1837) declared its *raison d'être* to be 'to institute a crusade against the triple alliance of infidelity, liberalism and papistry' or that there appeared in 1838 a review with the title *The Metropolitan Conservative Journal and Church of England Gazette*.[3] Wisely has Mr. Kitson Clark reminded us that 'while the leaders of the Christian Churches must intervene in politics they always do so at their peril'. This is as true of Bishop Blomfield and Sir Robert Inglis as it is of Edward Baines and the Rev. Thomas Binney.

[1] *E.R.*, 1839, i. 31; ii. 314 ff.
[2] Hansard, 3rd Series, xxxviii. 1034.
[3] It dropped *Metropolitan* from its title the following year.

# PRESIDENTIAL ADDRESS

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## IMPEACHMENT AND ATTAINDER

THE early history of impeachment lies crowded in the eventful years immediately following 1376. From the Good Parliament to the Merciless Parliament, and thence to the Parliament of 1397, is a short span of merely a score of years, yet those years are full of development—so full, that we can discern not only the development of impeachment as a legal procedure, but also a struggle for the right to the exclusive control of the most powerful weapon in the political armoury, short of civil war.

Richard II, when he took the remarkable step of submitting a political crisis to the scrutiny of judges and professional lawyers, elicited from them an opinion which revealed the technical point at which the new device ran counter to the main current of the common law, namely, that it seemed to consist of a procedure for criminal prosecution in which the crown was not a party. The cases, in spite of some obscurity, show a trend in that direction, and the judges not unnaturally condemned that proposition, and in their reply to the king's enquiry asserted that impeachment without the king's consent was illegal.[1] That opinion brought impeachment into line with the general law of the land.

But it did more than that: it robbed politicians of their new-found device for attacking the king's ministers. This was felt to be a severe blow, and the judges eventually paid a high price for their stand upon legal orthodoxy. Opposition leaders who seem to have felt that politics was a dull game unless the stakes were high, cast around for some new method, and found it in the ingenious application of the primitive appeal of treason or felony which was now transplanted from rustic thievery and burglary to

[1] *Rot. Parl.*, iii. 233*b*.

the splendid setting of parliament. The ancient issue of an appeal of felony was trial by battle, and the lords appellants probably contemplated that possibility with satisfaction. The common law judges for centuries,[1] however, had generally succeeded in preventing the parties from engaging in mortal combat, and the assembled lords in parliament seem to have followed the same policy. In this they were aided perhaps in some obscure way by the intervention of the commons when Brembre betook himself to wager of battle.[2] It was ruled that battle did not lie.

The lords appellants may well have felt some disappointment. Appeals had promised so much spectacle and violence, and yet in the end they had been reduced to the much less chivalrous level of a mere trial. If that were to be the case, then impeachment was just as good—if (and that was the point of substance) it could still be maintained that the crown was not necessary as an active party in the proceedings.

The opinion of the judges alone stood in the way, and so, as soon as the appeals had been disposed of, the judges who had given the opinion (which also condemned the extraordinary commission) were attacked by the very procedure of impeachment which they had declared to be an exclusively royal proceeding.

And so, on Monday 2 March 1388, the judges and serjeants who had subscribed to the opinion 'were brought into the same parliament at the request of the commune of the said parliament, and by all the commons there assembled for all the counties, cities and boroughs of England, were accused and impeached'.[3] The record is drawn with great particularity and admirably drafted, but there was no document of accusation; the only document mentioned is a copy of the opinion, which the accused were called upon to admit or deny. There is nothing in the whole process which could suggest that the crown was in any way associated with the proceedings. The accused in turn made speeches in their defence, the commons made a general reply and prayed for judgement, and thereupon the lords announced that they would consider their judgement. The commons then impeached two underlings, Blake and Usk, who rested their defence on the single proposition that everything they had done had been at the express command of

[1] Cf. Bracton, fos. 102, 137.

[2] *Rot. Parl.*, iii. 238*a*.

[3] *Ibid.*, 238*b*. This insistence, in judicial proceedings, upon the representative nature of the commons is notable.

the king.[1] This famous point (which later was determined in Danby's Case) the lords did not venture to resolve; instead, they took the view that the accused knew very well that the king was acting under the influence of the appellees and not of his own will.

In all this, there is no indication of who presided at the trials, nor are we told who presented the case for the commons; if it were the speaker who undertook this difficult and conspicuous task, the roll is discreetly silent. The king is introduced into this record for the first time when the grim business of sentencing the accused was reached: the assent of the king is alleged to the sentence on the two underlings Blake and Usk, and when the judges were brought back, the lords gave judgement by assent of the king. When the bishops interceded for the judges and the king spared their lives, the announcement was made by the chancellor. The impression left by the record is that the part assigned to the king was the barest presidency of the tribunal, the lords assuming all responsibility for its conduct and decisions.

After the judges, the king's confessor, the bishop of Chichester, was impeached,[2] and while the lords were considering the special complications of his position, the roll proceeds to a solemn recital of sixteen articles headed 'The accusations and impeachments made by the commons of the realm' against Sir Simon Burley and others.[3] The roll is not entirely unambiguous, but it is hard to escape the conclusion that these articles were in writing when the trial opened and so constituted the basis of the proceedings. The knights made no special defence but pleaded not guilty and offered to acquit themselves like knights—a hint of trial by battle; the commons joined issue and so the matter was left to the lords. This remarkable introduction of common law pleading into a tribunal which had announced[4] that it did not feel bound to follow the law of the land, added to the delicate matter of the bishop of Chichester, evidently occupied the lord's deliberations from 12 March until the 18th, when parliament was adjourned for three weeks over Easter.

When parliament reassembled the knights were brought in and told that the lords had found them guilty 'by information and examination'.[5] The roll is obscure, and seems to imply that the determination of their guilt was reached in their absence, as was

[1] *Ibid.*, 240. [2] *Ibid.*, 241*a*. [3] *Ibid.*, 241*b*.
[4] *Ibid.*, 236*b*. [5] *Ibid.*, 243*b*.

also the decision that the articles (or some of them) were in law treason. The last item of this part of the roll[1] records that the commons asked the king to reward their common clerk, John Scardesburgh, as the Appellants likewise commended to the king's bounty Geoffrey Martin, clerk of the crown. This almost suggests that the principal officer of the commons for these proceedings was their common clerk.

The ten years which followed, with their fairly quiet orderly government, have proved as mysterious to the historians who have searched them as the spectacular crises which distinguish this reign. Fortunately this is not the occasion for a general commentary and interpretation of Richard II's personality and politics: procedure alone is now in question.

The next crisis, that of 1397, differs from the others in one notable respect. From the Good Parliament onwards, the experiments in impeachment and state trials generally had been engineered by opposition groups who often found themselves compelled to improvise machinery to reach ministers and others near to the king. Now the tables were turned, and it is worth watching how Richard II, with all the resources of the prerogative as well as the common law at his disposal, proceeded to deal with his enemies.

The approach of the storm was heralded by Haxey's case.[2] He was clerk of the rolls of the court of common pleas and had received much ecclesiastical preferment from the king. In 1397 he was proctor for the abbot of Selby[3] in parliament, and seems to have thought it his duty to introduce a bill or memorandum into the commons' house (of which he was not a member) enumerating a number of political questions of the day, and among them the suggestion that too many bishops and ladies were living at the king's expense at court. Deeply offended, the king discussed this with the lords, and a few days later the lords declared that it was treason for anyone to excite the commons or anyone else to reform the household. Two days later Haxey was brought in before the king and lords. There is no original record of the pro-

[1] *Rot. Parl.*, 245 (21).

[2] Recited in his subsequent pardon, printed from the patent roll in *Rot. Parl.*, iii. 407–8.

[3] *Chichele's Register*, ii. 657; Margaret Hastings, *Court of Common Pleas*, p. 275.

ceedings on that occasion save a brief narrative on the patent roll. From this it would appear that the Steward of England (John of Gaunt) prosecuted, and that the lords adjudged him a traitor. The procedural details are meagrely recorded, but evidently the steward of England is doing much the same thing as the steward of the household had done in the first parliament of the reign. Haxey's trial must have been merely *in terrorem*; had it been meant seriously, it would certainly have been recorded upon the parliament roll. Perhaps it was an experiment in new procedure, and not much liked. The surprising view of the nature of treason which the lords propounded seems to follow from the general idea contained in the answers of the judges.

As for Haxey personally, he was soon pardoned and restored. The king seems to have taken the view that he was a well-meaning and worthy official who had been a tool in the hands of some magnate who was forming a conspiracy, of which rumours were already current.

The king struck while there was no parliament in being. Of the original lords appellants, several had made their peace with the king and were in favour and office at court, but Gloucester, Warwick and Arundel chose to be irreconcilable; it was believed that they were engaged in some dark design. All three were arrested.

These were executive acts, which a few weeks later were cast into legal form. At a solemn council, presided over by the king wearing his crown, the earl of Nottingham (an ex-appellant) with several other lords put in a bill of appeal against the prisoners, his old colleagues, cautiously reserving the right to amend their bill.[1] They mention their 'counsel' in this connection, and manifestly the whole operation had been carefully settled by their lawyers. Following precedent, the appeal was first launched before the king himself, but without reference to any judicial body; indeed the bill to the king concluded with a prayer that any writs or orders whatsoever issuing out of any court which might prejudice the appeal should be quashed and annulled. Four knights were named as pledges to prosecute. It is difficult to see what sort of interference by the law courts could have caused so much anxiety to the new appellants, but they had doubtless been advised to take the precaution just mentioned.

[1] *Rot. Parl.*, iii. 374 (2).

That bill was duly embedded in a covering note and further accompanied by elaborate articles when a new parliament opened on 17 September 1397 to hear 'pleas of the crown before the lord king in his parliament'—the forms of the common law were being scrupulously followed. The bill and articles were read and the gaolers were ordered to produce their prisoners. At the trials which then ensued, John of Gaunt as Steward of England presided over the lords. Arundel's case[1] was taken first, and when he pleaded various pardons made to him in times past he had the short answer that this present parliament had just repealed and annulled them 'as by the statute thereof made plainly appears'. Arundel refused to continue his defence any further. The king commanded Clopton, C. J., to explain the consequences of this, which he did, but Arundel remained obdurate and refused to enter into the merits of the case. The appellants prayed judgement, and the Steward of England, 'by command of the king and all the lords temporal, and of Sir Thomas Percy having sufficient power of the prelates and clergy of the realm of England', found him guilty of treason and pronounced sentence.

Gloucester's case[2] was taken next. A writ tested 21 September was sent to Calais where he was confined; on the 24th his gaoler (the earl marshal) returned that his prisoner was dead. Thereupon some startling things happened. First, the appellants prayed that Gloucester, though dead, be adjudged a traitor as one who had waged war against the king's person. Then the commons intervened (it is the first mention of them in the record of the trials, and we are left to surmise that they may in fact have been present all the time).[3] They introduced a point not hitherto stressed in the case against Gloucester, namely, that his appearance in warlike array at Harringay and levying of war against the king was 'notoriously known to the king and all the estates of parliament and all the realm', and upon that basis they prayed for judgement. The lords (and the lay proctor of the clergy) were then examined, whence it appeared that the fact was indeed notorious. They therefore found him guilty and the forfeiture of his estates was declared.

The proceedings were certainly curious. The appeal against Gloucester manifestly failed for he was dead. In order to reach

[1] *Rot. Parl.*, 377*a*. [2] *Ibid.*, 377*b*.
[3] The chronicles show them as excited spectators.

his property, a new proceeding was therefore instituted by the commons who harked back to the primitive legal notions of conviction by notoriety which had been the basis of Mortimer's trial in 1330, and it was expressly upon that principle that the deceased Gloucester was found guilty. Carefully distinguished from that condemnation, which was pronounced on 24 September, were the events of the morrow, the 25th. On that day there was introduced the written confession of Gloucester taken before Rikhill, J. No legal consequences were based upon the confession, which seems to have been introduced merely 'for information'.

Clearly, a new problem had arisen. The common law was of old familiar with the problem of the accused who has taken to flight, and had elaborated the law of outlawry to deal with it. An accused who killed himself likewise presented no problem, for he was a *felo de se* and the coroner's verdict was sufficient to warrant the escheat of land and forfeiture of chattels. But the government, no doubt for sufficient reasons, observed the extremest reticence upon the circumstances of Gloucester's death, albeit they made no suggestion of *felo de se*. Hence they had to revert to the principle of notoriety in order to have a mode of proof, and to resort to an innovation in order to reach his property. It will be observed that the forfeiture is dated as from the 13 November 1387 when the act of treason was committed; this was already becoming an established principle and had been enacted in this present parliament, although it was to be greatly complicated with the development of the notion of attaint.

Then it was Warwick's turn.[1] He was produced by the Constable, and the Steward of England arraigned him at some length. The earl at once pleaded guilty, whereupon the Steward by command of the king and the temporal lords and of Sir Thomas Percy gave judgement.

That disposed of the appeals, which in formal words were directed against Arundel, Gloucester and Warwick only. The long set of articles, however, named and implicated several lesser persons as well who were not yet in custody. The appellants prayed for the arrest of Sir Thomas Mortimer to answer them on the appeal. He was not produced, but the commons impeached him in his absence as a fugitive, guilty of notorious treasons. The outcome was curious: the dead Gloucester had been condemned

[1] *Rot. Parl.*, iii. 379 (8).

to total forfeiture, but Mortimer the refugee 'in the highlands of Ireland' got nothing worse than a proclamation to the effect that he should be held convict and attainted if he did not surrender within three months.[1]

Sir John Cobham was also impeached of the matters contained in the appeals, especially of sitting on the commission which condemned Burley. In defence he alleged that he sat by the king's order (and the king then and there admitted it, but protesting that he was not his own master at that time, as Cobham well knew). The commons then used words which had first appeared in the preceding case, praying that Cobham be 'convict and attaint'—and so it was pronounced in due course by the Steward of England.[2] One last case was left over to be dealt with by the famous committee to which the parliament had delegated all its powers. This was neither an appeal, nor an impeachment. The king proceeded upon a sort of information that Sir Robert Plessington, deceased, had been a party to the treasons of the duke of Gloucester. There was not even the allegation that the facts were notorious. The process simply recited Plessington's complicity, adjudged him guilty, and imposed total forfeiture.[3]

The growing insistence on legal technicality which has already been remarked is still more apparent in these cases, especially in the matter of minutely defining the nature of the forfeitures inflicted upon the culprits; of that I shall speak later. Indeed, we are confronted not only with legal tactics at the trials, but also with legal strategy preceding them. There were in fact serious legal obstacles to be removed before these state trials could be begun with any hope of success, and their removal was carefully thought out beforehand.

Thus the very first item of business after the presentation of the Speaker was the consideration of the position of the lords spiritual in state trials. This was an old problem. The lords spiritual insisted upon enjoying the privileges of the magnates —already commonly described as 'peers'; yet they also insisted upon their clerical privilege of taking no part in judicial proceedings which might involve the shedding of blood. Moreover, Thomas Despenser (soon to be created earl of Gloucester) was petitioning in this very parliament for the reversal of the condemnation of his great-great-grandfather, and among the docu-

[1] *Rot. Parl.*, 380 (9). [2] *Ibid.*, 381 (10). [3] *Ibid.*, 384 (13).

ments which he produced was an earlier reversal in which it had been solemnly held to be error that 'the prelates being there, who were peers of the realm, did not assent'.[1] This awkward decision of 1322 could hardly have been dragged into daylight at a less opportune moment. The clergy in this present parliament would beyond all doubt withdraw when the serious business of the trials came on, and (according to the rule of 1322) the judgements of the remaining temporal lords would be invalid. The solution was now found in a most carefully drafted document whereby the lords spiritual conveyed to Sir Thomas Percy their plenary power.[2] This power was formally recited in the subsequent judgements.

The second preliminary was the repeal of the famous commission and—still more vital—the repeal of the pardons which the contrivers of it had subsequently obtained:[3] that provided in advance the answer to Arundel's defence. These two weighty matters were disposed of on the first day; clearly there was excellent staff-work somewhere.

Two days later, the commons ostentatiously yielded to the king one of the points made in his favour in the opinion of the judges, by formally seeking his leave to bring certain impeachments.[4] Finally, they joined with the king and the lords in redefining the law of treason, and extending the scope of the forfeiture.[5] Only after all these preliminary operations was the field clear for the principal matter in hand, the trials. The trials themselves, if we can trust the chroniclers, were noisy and unseemly performances; but it is probably true to say that the decorum and solemnity of judicial proceedings is a habit of fairly recent growth. The rough and tumble of medieval litigation, which seems to have lasted as late as Elizabeth I, if we read Sir Thomas Smith carefully, must not mislead us into underestimating contemporaries' keen sense of technicality in the matters which seemed to them essentials. However much we deplore these proceedings of 1397, we must admit the powerful desire of those concerned to proceed with the most scrupulous (albeit tortuous) legality.

The fact that these proceedings were designed to punish the

[1] *Ibid.*, 365*a*.

[2] *Ibid.*, 348 (9). This was a great improvement upon the earlier device of 1388 in *Ibid.*, 236*b*.

[3] *Ibid.*, 350 (13). [4] *Ibid.*, 351 (14). [5] *Ibid.*, 351 (18).

king's enemies, that the king was completely master of the whole machinery of state at this moment and desirous of making a spectacular display of his powers, and yet used procedures so indirect as these, is a paradox which merits consideration. Sovereigns, like subjects, are surely entitled to the elementary right of self-defence, and must have and use powers to repel internal as well as external attacks upon their safety. That Richard II intended to do so, there could be no doubt; and yet how indirect and artificial were the courses forced upon him. Impeachments and appeals were essentially opposition weapons for use against ministers and favourites, and so there was inevitably a logical tendency to remove them as far as possible from royal control; to those procedures, nevertheless, Richard had to turn in order to crush his enemies. Instead of directly bringing a charge against them, a group of magnates had to be organized to go through the motions of an appeal of treason; or, alternatively, the commons had to be inspired to pray the king's leave to impeach his enemies. Still more curious is the use of both procedures simultaneously against the same accused.[1] The truth seems to be that there was no direct royal procedure available to the king to initiate the trial for treason of peers and ministers.

As we have seen, there was a time when the king's personal record of a man's guilt was sufficient to work an instant conviction —so perished Henry of Lancaster and others under Edward II. But that principle had since been rejected. The close association of the idea of peerage with that of trial meant in practice that state trials became especially connected with parliament, where the commons could obviously attest the 'notoriety' of great public crimes. The use of these methods by opposition parties naturally produced attempts to prevent the crown from frustrating the proceedings, and so the crown lost the formal initiative. There was also a notion contributing a theoretical reason for separating treason trials from the crown. Bracton shows good enough reasons for holding that the king himself cannot try treason, for he would then be judge in his own case; trouble begins when Bracton uses the same principle to disable the king's justices also, on the ground that they bear his *persona*. Bracton's solution is to associate peers with the justices, and the suggestion may have been deliberately followed.[2] All things conspired, therefore, to rob

[1] *Rot. Parl.*, 351 (19). [2] Bracton, fos. 119–119*b*.

the crown of a direct method of putting an alleged traitor on trial.

If Haxey's case had been meant to fill the gap, it failed. The procedure was not enrolled, and in any event would not have served as a precedent for the trial of a magnate.

I had intended to say something about acts of attainder, but a week ago there came to my hands a study which enables me to be briefer than I hoped. This is the introduction to the 24th volume of the Selden Society's *Year Book Series* which will be published in a few months. In it, Mr. J. P. Collas of Queen Mary College undertakes a penetrating examination of the subtle stages by which the word 'attainder' became a term of art among lawyers. It is a salutary warning that we must beware of treating this word, on sight, as necessarily being anything more than the conversational use of a common and natural French word. Later lawyers, when searching for a richer vocabulary to denote the numerous consequences of a criminal trial, unluckily took a fancy to the word 'attaint' and its derivatives—unluckily, because the old lawbooks had constantly employed it in a variety of popular senses which made it extremely difficult to extract any consistent technical meaning from it. It is probably not unfair to say that lawyers were so plagued by the use of the word in their older books that they never succeeded in making the word a useful word of art. This can be seen as late as the nineteenth century: the member for Tipperary had been convicted and sentenced for treason-felony —but was he 'attainted'? If so, he was disqualified from sitting in the House of Commons. What promised to be a pleasantly endless debate on the difference (if any) between conviction and attainder was cut short by the Forfeiture Act (1870) which abolished attainder.[1] That was all to the good, but the historian is left heir to the lawyer's unsolved conundrums, and will be well advised to treat the word 'attaint' and its derivatives with great caution.

That is one necessary preliminary to the study of attainder. There are others. Thus the extent of the property subject to forfeiture and the moment at which forfeiture arises raised difficult questions. By a statute of 1361, the king agreed not to exact forfeiture for treason in respect of persons who had not been attainted or judged in their lifetime, unless they were forfeitures of war.[2] This statute therefore rules out the possibility of convict-

[1] O'Donovan Rossa's case: 33 & 34 Vict., c. 23. [2] 34 Edw. III, c. 12.

ing, and getting a forfeiture from, a dead man, unless he had been killed in battle against the king. Further, the common law rule of forfeiture dated from a simpler age when property was almost universally held for an estate of fee simple, but by the later fourteenth century that had long ceased to be the case, and parliamentary condemnations ventured sometimes to subject newer estates and interests to forfeiture. Thus Alice Perrers[1] forfeited not only her fees simple but also lands held by others to her use in 1377, and in 1397 the statute of treason[2] which prepared the way for the new trials enacted the forfeiture of the traitor's fees tail as well as fees simple, and also of lands held to his use. Miss Clarke[3] some twenty years ago suggested that the condemnations in parliament in 1388 had imposed the forfeiture of entails before the statute had made them forfeitable, and in so doing had brought us near to the fifteenth-century bill of attainder; but the evidence seems to me to show that entails were in 1388 preserved.[4] However, the case of Alice Perrers still remains with its forfeiture of uses, and is sufficient as a warning to scrutinize these forfeitures rather closely if we seek the origins of the bill of attainder. The forfeiture of equitable interests was probably less significant at a time when they were imperfectly protected even in chancery.

Another preliminary question which needs attention is the modern view that an act of attainder purports to achieve a judicial object by means of a legislative form. Such a criticism would have been unintelligible in the middle ages. They were indeed familiar with the analysis of governmental powers into three or more categories, but the idea that each power should be exercised by a separate authority, and that it was perilous for one body to exercise two powers, is typical of modern, not medieval, thought. The further refinement that certain procedures are judicial and others legislative would not have been felt of great consequence. Nor must we put too much emphasis on such incidents as one of the acts of the parliament of 1397 which said that all the judgements of this parliament should be held and declared to be statutes.[5] The thought behind this is hard to catch, and certainly far from precise; it may serve to remind us that we are not clarifying an attainder by the converse process of calling

[1] *Rot. Parl.*, iii. 14 (43).
[2] 21 Ric. II, c. 3.
[3] *Fourteenth Century Studies*, p. 143.
[4] *Cf.* Holdsworth, *History of English Law* (3rd. edn.), iii. 116.
[5] *Rot. Parl.*, iii. 354 (32).

it a statute which pretends to be a judgement. Again, what are we to say of the case in 1459 when among the common petitions in parliament is a list of articles 'of all which matters done and committed by the said Lord Stanley, we your said Commons accuse and impeach him . . .'? Perhaps we ought to call that an impeachment, but the royal response is in the time-honoured words: *Le Roy s'avisera.*[1] Can we also say that the king had rejected a bill of attainder?

The difficulties of an enquiry into the development of the bill of attainder are thus considerable, and there seems to be little if anything in the period before 1399 (which alone is my concern) which throws light upon it. The answer evidently lies in the fifteenth century, where the state trial was very prominent and produced several novelties in our law.

The growing infrequency of parliament provoked experiments with the court of the constable, and the creation of the court of the lord high steward—and on the latter we have a monograph of outstanding merit.[2] Appeals were removed from the jurisdiction of parliament;[3] impeachments continued until the middle of the century, but by its close bills of attainder become common. They might follow conviction and even execution[4] under other jurisdictions and so were not necessarily a mode of trial; the growing complexities of property law are possibly the reason.

The crown was still faced with the problem of finding a direct procedure for putting its enemies on trial instead of resorting to the make-believe of bellicose appellants or querulous commons. The Tudors here seem to have made a startling and characteristic discovery: they simply used the common law—an indictment and a special commission of oyer and terminer. But the long history of special commissions still awaits investigation.

What has already been said about the earliest cases of impeachment is enough to show how little precise law there was, and how various the precedents were. The revival of impeachment under James I was an astonishing feat of antiquarianism, and yet it was essential in the new age when once again there was an opposition

[1] *Ibid.*, v. 369–70.

[2] L. W. Vernon Harcourt, *His Grace the Steward* (1907).

[3] 1 Hen. IV, c. 14.

[4] Thus the earl of Warwick, tried and executed in 1499, was attainted in 1503.

strong enough to put ministers on trial. Once that resolve was made, impeachment or attainder was the only method at their disposal, and impeachment was almost completely under their control.

The savage weapons of the fourteenth and fifteenth centuries now came to be wielded with such consideration and decency, however, that a most unexpected result ensued. Hanoverians and Jacobites were less bloodthirsty than Yorkists and Lancastrians, with the result that even the law of treason itself was softened. People were conscious of the turn of the party wheel and foresaw that it might be their turn next. So we had the extraordinary enactment of 1696 (which is still law) that a charge of high treason cannot be brought more than three years after the event;[1] the prisoner was given a copy of the indictment before the trial, and also the panel of the jury; his witnesses could give evidence on oath, and the court would compel their attendance; he was to have counsel throughout the trial. The astonishing liberality of these provisions appears when it is remembered that the ordinary man on trial for felony is not yet protected by any lapse of time; that he could not have his witnesses sworn until 1702, and had no counsel until 1837. It is indeed astonishing that our state trials, after so much reckless savagery, should have finally led the way in the humanizing of our criminal procedure—but it is a satisfactory result, and provides a more or less happy ending to an otherwise depressing series of addresses.

[1] 7 & 8 Will. III, c. 3, if committed in England or Wales, and if the charge was not one of designing or attempting the assassination of the king.

# ROYAL HISTORICAL SOCIETY

## REPORT OF COUNCIL. SESSION 1951–52

THE Council of the Royal Historical Society have the honour of presenting the Annual Report to the Anniversary Meeting as follows:

During the past Session the Society has had to deplore the death of its royal Patron, His late Majesty King George VI, and presented an Address of Condolence to Her Majesty the Queen, and a prayer that she would be graciously pleased to grant us her Royal Patronage.

The Council have reviewed the list of Corresponding Members to which no additions had been made since 1938, and the following have accepted election:—Dr. B. Croce, Dr. R. Donoso, Professor F. Dvornik, Professor F. L. Ganshof, Professor P. Geyl, Professor E. F. Heckscher, Professor W. Holtzmann, Professor G. Lefebvre, Professor P. Lehmann, Professor R. Levene, Professor W. E. Lunt, Professor G. Luzzatto, Professor R. Menéndez Pidal, Professor S. E. Morison, Professor D. Perkins, Professor E. M. J. Perroy, Professor E. Ravignani, Dr. C. Read, Professor P. Renouvin, and Professor L. J. van der Essen.

Professor W. Rees has succeeded Professor Sir Charles Webster as the representative of the Society upon the National Co-operating Body for Social Sciences (for the purposes of Unesco), and Professor J. G. Edwards has succeeded Miss Joan Wake as its representative on the Council of the British Records Association. The Honorary Treasurer, Mr. T. F. Reddaway, has been appointed to represent the Society upon the Standing Conference for Local History.

Six volumes were issued during the session, namely, *Transactions, Fifth Series*, Volumes 1 and 2; *The Correspondence of David Scott, Director and Chairman of the East India Company, relating to Indian Affairs (1787–1805)*, in two volumes, edited by Professor C. H. Philips; and *The Political Correspondence of Mr. Gladstone and Lord Granville, 1868–76*, in two volumes, edited by Miss A. Ramm. The two volumes of *The Correspondence of David Scott* were numbered Volumes LXXV and LXXVI in the *Camden Series, Third Series*, and were allocated to the year 1946–47. The two volumes of *The Political Correspondence of Mr. Gladstone and Lord Granville* were numbered Volumes LXXXI and LXXXII in the same series and were allocated to 1949–50.

At the end of the session five further volumes (excluding *Transactions*) were in the press. The Council have approved for publication *The Collected Correspondence of G. R. Weckherlin*, to be edited by Professor L. W. Forster, and *A brief collection of the Queenes Majesties most High and most Honourable Courtes of Recordes*, by R. Robinson, to be edited by Mr. R. L. Rickard. The second of these will form part of a Camden Miscellany. The editorship of the *Bibliography of Medieval Cartularies* has been transferred to Mr. G. R. C. Davis, and Council have approved for publication the *Liber Eliensis*, Books I–III, to be edited by Mr. E. O. Blake. This latter proposal replaces an earlier project for an edition of Books I and II of this work by Miss D. Whitelock.

*Writings on British History, 1938*, was published on 3 September, 1951. The volume for 1939 is in the press; and the Council have appointed Mrs. Phyllis M. Jacobs as part-time Temporary Assistant Officer for a period of two years to prepare for publication the material for the years 1940 to 1945 inclusive, to be issued in two or more volumes of *Writings* covering the whole period.

The following papers were read during the session 1951–52:

'The state and landed interests in 13th century France and England.' By E. Miller. (13 October, 1951.)
'The smugglers' trade: a neglected aspect of English commercial development.' By G. D. Ramsay. (10 November, 1951.)
'The Scots army in the reign of Queen Anne.' By S. H. F. Johnston. (12 January, 1952.)
'Combination in the mid-nineteenth century coal industry.' By A. J. Taylor. (9 February, 1952.)
'Medieval autobiographies.' By Professor Paul Lehmann. (8 March, 1952.)
'Michael Davitt and the British labour movement.' By Professor T. W. Moody. (10 May, 1952.)

The President, Professor T. F. T. Plucknett, delivered an address at the Anniversary Meeting on 8 December 1951, on 'State trials under Richard II'. The Alexander Prize was awarded to G. W. S. Barrow for his essay on 'Scottish rulers and the religious orders, 1070–1153'. The essay was read at the meeting on 14 June 1952. The annual garden party was held on 12 July 1952.

At the Anniversary Meeting on 8 December 1951, the Vice-Presidents retiring under By-Law XVII were G. H. White and Professor D. C. Douglas. C. T. Clay and Professor J. G. Edwards were elected to fill the vacancies. The members of Council retiring under By-Law XVII were Professor the Rev. M. D. Knowles, Professor C. H. Philips, Lady Stenton and Professor the Rev. N. Sykes. Professor R. R. Darlington, R. B. Pugh, Professor D. B. Quinn and Professor M. A.

Thomson were elected to fill the vacancies. Messrs. C. Ryland Beeby and Co. were appointed auditors for the year 1951–52.

Council record with regret the death of 16 Fellows and 1 Associate; amongst these, Council would mention specially Professor R. W. Seton-Watson, who was President from 1945 to 1948, and Hon. Vice-President from 1948 until his death; and A. F. Sieveking, a member of Council from 1917 to 1924 and Hon. Auditor to the Society from 1915 to 1927. Professor Seton-Watson's tenure of the Presidency was one of the last of the many and most distinguished services that he rendered to historical studies in this country. Before it came to a close he had already begun to suffer ill-health, and he was unable to deliver his presidential address in 1947 and 1948. 8 Fellows have resigned and 7 libraries have ceased to be Subscribing Libraries. 2 Fellows have been removed from the roll of Fellows, and 1 library from the list of Subscribing Libraries, for non-payment of their subscriptions. 8 Fellows and 6 Associates have been elected and 19 libraries have been admitted as Subscribing Libraries. 1 Fellow has been re-elected and 2 libraries have been re-admitted as Subscribing Libraries. 2 Associates have been elected to the Fellowship. The membership of the Society on 30 June 1952 was 732 Ordinary Fellows, 1 Honorary Fellow, 36 Corresponding Members, and 91 Associates. Of the Fellows, 256 were life members. The Subscribing Libraries numbered 367. 24 Societies, British and foreign, exchanged their publications with those of the Royal Historical Society.

The Treasurer reports that the income of the Society for the year 1 July 1951 to 30 June 1952 exceeded the expenditure chargeable against it by £411 18s. 5d. This surplus has been allocated to Publications. The sum of £1,611 18s. 5d. has thus been granted for Publications, as against £1,626 17s. 11d. in the previous year, making, with the addition of the proceeds of sales, an allocation to the Publications Fund of £2,067 4s. 4d. The rise in the cost of publishing has continued and, though all possible economies have been made, the Society's income is unlikely to be sufficient to maintain the issue of volumes on the scale of recent years.

# ROYAL HISTORICAL SOCIETY

## I.—Income and Expenditure Account for the Year ended 30 June 1952

*Dr.* *Cr.*

| 1951 | *Expenditure* | | | £ s. d. |
|---|---|---|---|---|
| £ | | | | |
| | **Establishment Expenses** | | | |
| 202 | Rent—96, Cheyne Walk | £202 2 0 | | |
| 20 | Rent—Warehousing of Stock | 19 10 0 | | |
| 76 | Rates | 75 9 6 | | |
| 22 | Insurances, *less* Commission | 21 17 4 | | |
| 76 | Repairs | 11 12 1 | | |
| 62 | Wages | 62 8 0 | | |
| 25 | Extra Service and Cleaning | 25 1 8 | | |
| 18 | Lighting and Heating | 16 19 4 | | |
| 8 | National Insurance | 8 18 11 | | |
| 12 | Catering | 13 5 6 | | |
| 17 | Sundries | 10 3 10 | | |
| 538 | | | | 467 8 2 |
| | **Secretarial and Administrative Expenses** | | | |
| 450 | Salary | 500 0 0 | | |
| 45 | Superannuation | 50 0 0 | | |
| 167 | Clerk's Salary (Part) | 175 19 2 | | |
| 15 | National Insurance | 15 13 1 | | |
| 129 | General Printing and Stationery (*less* Sales of Official Pamphlet, £2 2s. 6d.) | 123 11 1 | | |
| 34 | Accountancy and Audit | 34 13 0 | | |
| 50 | Postages | 57 15 11 | | |
| 13 | Telephone | 13 1 10 | | |
| 12 | Sundries | 25 19 3 | | |
| 915 | | | | 996 13 4 |
| | **Other Charges** | | | |
| 7 | Alexander Prize Medal—2 years | 14 0 0 | | |
| 1 | Friends of National Libraries | 1 1 0 | | |
| 1 | British Records Association | 1 0 0 | | |
| 16 | British National Committee of the International Congress of Historical Sciences | 15 15 0 | | |
| 54 | Designing and cutting seal and book stamp | – – – | | |
| 79 | | | | 31 16 0 |
| 100 | **Library**—Grant | | | 100 0 0 |
| 100 | **Contingencies Reserve Fund**—Grant | | | 100 0 0 |
| | **Publications** | | | |
| 180 | Director's Honorarium | 160 0 0 | | |
| 56 | Clerk's Salary (Part) | 58 10 10 | | |
| 40 | Other Secretarial Expenses | 40 0 0 | | |
| 2 | National Insurance | 2 4 9 | | |
| | Publications Account: | | | |
| 1,250 | Grant | 1,200 0 0 | | |
| 341 | Proceeds from sales (*per contra*) transferred | 455 5 11 | | |
| | | | 1,655 5 11 | |
| 1,869 | | | | 1,916 1 6 |
| 3,601 | | | | 3,611 19 0 |
| | **Balance**, being Excess of Income over Expenditure for the year transferred as a further grant for Publications | | | |
| 377 | | | | 411 18 5 |

| 1951 | *Income* | | | £ s. d. |
|---|---|---|---|---|
| £ | | | | |
| | **Subscriptions** | | | |
| | Received for 1952— | | | |
| 92 | Associates | £93 9 0 | | |
| 619 | Libraries | 682 1 4 | | |
| 1,503 | Fellows | 1,412 4 0 | | |
| 2,214 | | | 2,187 14 4 | |
| 106 | Arrears of subscriptions received | | 186 17 5 | |
| 520 | Life Subscriptions | 197 8 0 | | |
| | *Less* Proportion required by By-law IX to be invested | 122 0 0 | | |
| 328 | | | | |
| 192 | | | 75 8 0 | |
| | **Interest and Dividends** | | | |
| 292 | From General Investments | 296 18 7 | | |
| 735 | From Sir George W. Prothero Bequest | 736 8 8 | | |
| 69 | Bank Interest | 67 19 11 | | |
| 1,096 | | | 1,101 7 2 | |
| | **Royalties** | | | |
| 29 | From Sir George W. Prothero Bequest | | 17 4 7 | |
| 341 | **Sales of Publications** | | 455 5 11 | |

## ROYAL HISTORICAL SOCIETY

### II.—Balance Sheet 30 June 1952

| 1951 | | £ s. d. | 1951 | | £ s. d. |
|---|---|---|---|---|---|
| £ | **Funds** | | £ | **Investments** | |
| 35,445 | Balances at 30 June 1952 as per Account III . . . . . | 31,187 18 9 | 9,354 | General Account . . £9,550 14 8 (Market Value at 30 June 1952, £7,230 19s. 3d.) | |
| | | | 22,378 | Sir George W. Prothero Bequest . . . 22,378 11 5 (Market Value at 30 June 1952. £15,809 7s. 8d.) | |
| | | | 31,732 | | 31,929 6 1 |
| 59 | **Subscriptions received in Advance** . | 67 17 0 | | **Current Assets** | |
| — | **Investment Reserve Account** | | | Balances at Banks :— | |
| | Amount transferred from General Fund . . £1,800 0 0 | | 377 | Current Accounts . 324 16 0 | |
| | Surplus on realisation of National Savings Certificates . . . 562 10 0 | | 47 | Deposit Account . 7 0 3 | |
| | | | 1,626 | Post Office Savings Bank 54 17 2 | |
| | | 2,362 10 0 | 1,719 | London Trustee Savings Bank . . . 1,300 8 0 | |
| | | | 3 | Cash in hand . . . 1 18 3 | |
| | | | 3,772 | | 1,688 19 8 |
| | | | | Note : The Society also owns the Library, Furniture and Office Equipment at 96, Cheyne Walk, Chelsea, and a Stock of its own publications, the cost of which has been written off to Income and Expenditure Account. | |
| £35,504 | | £33,618 5 9 | £35,504 | | £33,618 5 9 |

We have examined the foregoing Income and Expenditure Account and Balance Sheet with the Books and Vouchers of the Society. We have verified the Investments appearing in the Balance Sheet. We report that the above Balance Sheet is, in our opinion, properly drawn up so as to exhibit a true and correct view of the state of the affairs of the Society, according to the best of our information and explanations given to us, and as shown by the books of the Society.

C. RYLAND BEEBY & CO.,
*Chartered Accountants, Auditors.*

119/125, Finsbury Pavement, London, E.C.2.
26 *September*, 1952.

## ROYAL HISTORICAL SOCIETY

### III.—Statement of Funds 30 June 1952

| | | Balance at the Beginning of the Year. £ s. d. | | Grants and Additions during the Year. £ s. d. | | Expenditure and Withdrawals during the Year. £ s. d. | | Balance at the End of the Year. £ s. d. |
|---|---|---|---|---|---|---|---|---|
| The Sir George W. Prothero Bequest | | 22,405 19 6 | | — | | — | | 22,405 19 6 |
| Life Subscriptions Fund | (a) | 2,857 6 0 | (a) | 122 0 0 | (b) | 76 6 0 | | 2,903 0 0 |
| Contingencies Reserve Fund (formerly Lease Renewal Fund) | | 412 0 4 | (d) | 100 0 0 | | — | | 512 0 4 |
| Pension Fund | | 1,106 4 6 | | — | (c) | 200 0 0 | | 906 4 6 |
| Library Fund | | 21 2 11 | (e) | 177 3 9 | | 106 2 1 | | 92 4 7 |
| Publications Reserve Fund | | 1,239 5 0 | | — | | — | | 1,239 5 0 |
| Publications Fund (f) | | 4,503 13 4 | | 2,067 4 4 | | 4,492 18 9 | | 2,077 18 11 |
| 'Writings on British History' Fund | | 400 0 0 | | — | (g) | 125 0 0 | | 275 0 0 |
| General Fund | (b) | 2,499 19 11 | (b) | 76 6 0 | (h) | 1,800 0 0 | | 776 5 11 |
| | | £35,445 11 6 | | £2,542 14 1 | | £6,800 6 10 | | £31,187 18 9 |

REFERENCES

(a) Proportion of Life Subscriptions received in 1952 and required by By-law IX to be invested.
(b) Proportion of Life Subscriptions transferred to General Fund in accordance with By-law IX.
(c) Payment to Miss M. B. Curran.
(d) Grant for the year.
(e) £77 3s. 9d. proceeds from sales during the year, *plus* £100 Grant for the year.
(f) See Account IV.
(g) Half Subsidy on 'Writings 1939'.
(h) Amount transferred to Investment Reserve Account.

## ROYAL HISTORICAL SOCIETY

### IV.—Publications Account for the Year ended 30 June 1952

*Dr.* | *Cr.*

| | £ | s. | d. | | £ | s. | d. |
|---|---|---|---|---|---|---|---|
| To Payments made during the Year:— | | | | By Balance of Allocations at 30 June 1951, Brought Forward | 4,503 | 13 | 4 |
| Camden Third Series:— | | | | | | | |
| Vol. LXXIII | 637 | 17 | 4 | | | | |
| ,, LXXV and LXXVI | 1,202 | 0 | 9 | | | | |
| ,, LXXXI and LXXXII | 1,498 | 13 | 2 | | | | |
| ,, Transactions:— | | | | | | | |
| 5th Series, Vol. 1 | 518 | 18 | 8 | | | | |
| ,, 2 | 602 | 2 | 10 | | | | |
| ,, Purchase of Volumes to replace Stock | 9 | 12 | 5 | | | | |
| ,, Sundry Postages, Packing and Expenses | 23 | 13 | 7 | | | | |
| | 4,492 | 18 | 9 | | | | |
| Balance of Allocations at 30 June 1952 (required to meet cost of publications due to subscribers at date of account) | 2,077 | 18 | 11 | ,, Allocation for Publications, 1951–52:— | | | |
| | | | | Grants | 1,611 | 18 | 5 |
| | | | | Proceeds of Sales (As per Income and Expenditure Acct.) | 455 | 5 | 11 |
| | | | | | 2,067 | 4 | 4 |
| | £6,570 | 17 | 8 | | £6,570 | 17 | 8 |

# THE DAVID BERRY TRUST

## *Receipts and Payments Account for the Year ended 30 June 1952*

| *Receipts* | | | | | *Payments* | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | £ | s. | d. | | | £ | s. | d. |
| To Balance in Hand, 30 June 1951, brought forward from last Account, viz.: | | | | | By Printing and Postage | 2 | 2 | 6 |
| Cash at Bank: Current Account | £45 | 0 | 1 | | ,, Balance in Hand, 30 June 1952, carried forward, viz.: | | | |
| Deposit Account | 6 | 18 | 6 | | Cash at Bank: Current Account | 86 | 12 | 3 |
| Cash in hand | | 14 | 3 | | Deposit Account | 6 | 19 | 10 |
| £100 3% Defence Bonds (at cost) | 100 | 0 | 0 | | Cash in Hand | | 14 | 3 |
| £200 2½% Defence Bonds (at cost) | 200 | 0 | 0 | | £100 3% Defence Bonds (at cost) | 100 | 0 | 0 |
| | 352 | 12 | 10 | | £200 2½% Defence Bonds (at cost) | 200 | 0 | 0 |
| ,, Dividends on Investments per Charity Commissioners | 35 | 14 | 8 | | | 394 | 6 | 4 |
| ,, Interest on £100 3% Defence Bonds | 3 | 0 | 0 | | | | | |
| ,, Interest on £200 2½% Defence Bonds | 5 | 0 | 0 | | | | | |
| ,, Interest on Deposit Account at Bank | | 1 | 4 | | | | | |
| | £396 | 8 | 10 | | | £396 | 8 | 10 |

We have examined the above account and find it correct.

C. RYLAND BEEBY & CO.,
*Chartered Accountants, Auditors.*

119/125, Finsbury Pavement, London, E.C.2.
26 *September* 1952.

The late David Berry, by his Will dated the 23rd day of April, 1926, left £1,000 to provide in every third year a gold medal and prize money for the best essay on the Earl of Bothwell, or, at the discretion of the Trustee, on Scottish History of the James Stuarts I to VI, in memory of his father, the late Rev. David Berry.

The Trust is now regulated by a Scheme sanctioned by the Chancery Division of the High Court of Justice dated the 23rd day of January 1930, and made in an Action 1927.A.1233 David Anderson Berry, decd., Hunter and another *v.* Robertson and another.

This Society is now the Trustee, and the investments held on Capital Account consist of £634 17s. 2d. 3½% Conversion Stock and £540 13s. 2d. Treasury Stock 2½% 1975.

The Trustee will in every second year of the three-year period advertise in *The Times* inviting essays.

# ALEXANDER PRIZE

The Alexander Prize was established in 1897 by L. C. Alexander, F.R.Hist.S. It consists of a Silver Medal awarded annually for an essay upon some historical subject. Candidates may select their own subject provided such subject has been previously submitted to and approved by the Literary Director. The essay must be a genuine work of original research, not hitherto published, and one which has not been awarded any other prize. It must not exceed 6,000 words in length and must be sent in on or before 31 January 1953.

## LIST OF ALEXANDER PRIZE ESSAYISTS (1898–1952)[1]

1898. F. Hermia Durham ('The Relations of the Crown to Trade under James I').
1899. W. F. Lord, B.A. ('The Development of Political Parties in the reign of Queen Anne').
1901. Laura M. Roberts ('The Peace of Lunéville').
1902. V. B. Redstone ('The Social Condition of England during the Wars of the Roses').
1903. Rose Graham ('The Intellectual Influence of English Monasticism between the tenth and twelfth centuries').
1904. Enid W. G. Routh ('The Balance of Power in the Seventeenth Century').
1905. W. A. P. Mason, M.A. ('The Beginnings of the Cistercian Order').
1906. Rachel R. Reid, M.A. ('The Rebellion of the Earls, 1569').
1908. Kate Hotblack ('The Peace of Paris, 1763').
1909. Nellie Nield, M.A. ('The Social and Economic Condition of the Unfree Classes in England in the Twelfth and Thirteenth Centuries').
1912. H. G. Richardson ('The Parish Clergy of the Thirteenth and Fourteenth Centuries').
1917. Isobel D. Thornley, B.A. ('The Treason Legislation of 1531–1534').
1918. T. F. T. Plucknett, B.A. ('The Place of the Council in the Fifteenth Century').
1919. Edna F. White, M.A. ('The Jurisdiction of the Privy Council under the Tudors').
1920. J. E. Neale, M.A. ('The Commons Journals of the Tudor Period').
1922. Eveline C. Martin ('The English Establishments on the Gold Coast in the Second Half of the Eighteenth Century').
1923. E. W. Hensman, M.A. ('The Civil War of 1648 in the East Midlands').
1924. Grace Stretton, B.A. ('Some Aspects of Mediæval Travel').

[1] No award was made in 1900, 1907, 1910, 1911, 1913, 1914, 1921, 1946, 1948. The prize Essays for 1909 and 1919 were not published in the *Transactions*. No Essays were submitted in 1915, 1916 and 1943.

1925. F. A. Mace, M.A. ('Devonshire Ports in the Fourteenth and Fifteenth Centuries').
1926. Marian J. Tooley, M.A. ('The Authorship of the *Defensor Pacis*').
1927. W. A. Pantin, B.A. ('Chapters of the English Black Monks, 1215–1540').
1928. Gladys A. Thornton, B.A., Ph.D. ('A Study in the History of Clare, Suffolk, with special reference to its development as a Borough').
1929. F. S. Rodkey, A.M., Ph.D. ('Lord Palmerston's Policy for the Rejuvenation of Turkey, 1839–47').
1930. A. A. Ettinger, D.Phil. ('The Proposed Anglo-Franco-American Treaty of 1852 to guarantee Cuba to Spain').
1931. Kathleen A. Walpole, M.A. ('The Humanitarian Movement of the Early Nineteenth Century to Remedy Abuses on Emigrant Vessels to America').
1932. Dorothy M. Brodie, B.A. ('Edmund Dudley, Minister of Henry VII').
1933. R. W. Southern, B.A. ('Ranulf Flambard and Early Anglo-Norman Administration').
1934. S. B. Chrimes, M.A., Ph.D. ('Sir John Fortescue and his Theory of Dominion').
1935. S. T. Bindoff, M.A. ('The Unreformed Diplomatic Service, 1812–60').
1936. Rosamond J. Mitchell, M.A., B.Litt. ('English Students at Padua, 1460–1475').
1937. C. H. Philips, B.A. ('The East India Company "Interest", and the English Government, 1783–4').
1938. H. E. I. Phillips, B.A. ('The Last Years of the Court of Star Chamber, 1630–41').
1939. Hilda P. Grieve, B.A. ('The Deprived Married Clergy in Essex, 1553–61').
1940. R. Somerville, M.A. ('The Duchy of Lancaster Council and Court of Duchy Chamber').
1941. R. A. L. Smith, M.A., Ph.D. ('The *Reginen Scaccarii* in English Monasteries').
1942. F. L. Carsten, D.Phil. ('Medieval Democracy in the Brandenburg Towns and its Defeat in the Fifteenth Century').
1944. Rev. E. W. Kemp, B.D. ('Pope Alexander III and the Canonization of Saints').
1945. Helen Suggett, B.Litt. ('The use of French in England in the later Middle Ages').
1947. June Milne, B.A. ('The Diplomacy of Dr. John Robinson at the Court of Charles XII of Sweden, 1697–1709').
1949. Ethel Drus, M.A. ('The attitude of the Colonial Office to the annexation of Fiji').
1950. Doreen J. Milne, M.A., Ph.D. ('The results of the Rye House Plot, and their influence upon the Revolution of 1688').
1951. K. G. Davies, B.A. ('The origins of the commission system in the West India Trade').
1952. G. W. S. Barrow, B.Litt. ('Scottish rulers and the religious orders, 1070–1153').

# DAVID BERRY PRIZE

The David Berry Prize was established in 1929 by David Anderson-Berry in memory of his father, the Reverend David Berry. It consists of a Gold Medal and Money Prize awarded every three years for Scottish History. Candidates may select any subject dealing with Scottish History within the reigns of James I to James VI inclusive, provided such subject has been previously submitted to and approved by the Council of the Royal Historical Society. The Essay must be a genuine work of original research not hitherto published, and one which has not been awarded any other prize. There is no limit to the length of the Essay. It must be sent in on or before 31 October 1955.

## LIST OF DAVID BERRY PRIZE ESSAYISTS (1937–1949)[1]

1937. G. Donaldson, M.A. ('The Polity of the Scottish Reformed Church *c.* 1560–1580, and the Rise of the Presbyterian Movement').
1943. Rev. Prof. A. F. Scott Pearson, D.Th., D.Litt. ('Anglo-Scottish Religious Relations, 1400–1600').
1949. T. Bedford Franklin, M.A., F.R.S.E. ('Monastic agriculture in Scotland, 1440–1600').

[1] No Essays were submitted in 1940. No award was made in 1946 and 1952.

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Folger Shakespeare Library.
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U.S.S.R.

Moscow, Library of Social Sciences of the Academy of Science of U.S.S.R.

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Society of Antiquaries of Scotland, Queen Street, Edinburgh.
The Hon. Society of Cymmrodorion, 20 Bedford Square, W.C.1.
Surrey Archæological Society, Castle Arch, Guildford.
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Société de l'Histoire de France, 60 rue des Francs-Bourgeois, Paris.

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### HOLLAND

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POLAND

Société des Sciences et des Lettres de Varsovie, L'Université, Warsaw.

SWEDEN

Historisk Tidskrift, Storgatan 41, Stockholm.

SWITZERLAND

Allgemeine Geschichtsforschende Gesellschaft der Schweiz. Stadt Bibliothek, Berne.

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Library of Congress, Washington, D.C.

U.S.S.R.

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†England and Napoleon in 1803: being the despatches of Lord Whitworth and others. Edited by Oscar Browning. 1887. 10s.

Walter of Henley's Husbandry, together with an anonymous Husbandry, Seneschaucie, and Robert Grosseteste's Rules. Edited by Elizabeth Lamond and the Rev. W. Cunningham. 1890. 16s.

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*A repertory of British archives. Part I. England. Compiled by Hubert Hall. 1920. 10s. 6d.

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The *Domesday monachorum* of Christ Church, Canterbury. 1944. 30s.

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